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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

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THE NATIONAL ARCHIVES
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INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissacker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Bueteftisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeftiger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteftisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteftisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteftisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Case 6
Defense

Document Book

SCHMITZ

Volume IV

(Documents 44 - 71
Pages 1 - 96)

Presented by Counsel for
the Defense

Dr. Rudolf Dix

Long



INDEX OF DOCUMENT BOOK IV

Documents 44 - 71 Pages 1 - 96

Schmitz No.	Exhibit No.	Description of Document	Page
44		Affidavit by Dr. jur. Kurt Freiherr von Lersner, former president of the German Peace Delegation at Versailles, dated 6 October 1947, on defendant Dr. Hermann Schmitz' character and on his relationship with Geheimrat Bosch.	1
45		Professor Dr. Warmbold's affidavit, dated 5 October 1947, on defendant Dr. Hermann Schmitz' political attitude and on his attitude towards international economic collaboration.	4
46		Affidavit by Dr. Johannes Krohn, Reich Commissioner for the Administration of Enemy Property in Germany since 1941, dated 10 December 1947, on defendant Dr. Hermann Schmitz' attitude towards the administration of enemy property in Germany during the war, as well as on his basic attitude towards the maintenance or re-establishment of cordial economic relationships between Germany and the rest of the world.	6
47		Affidavit by Dr. Albrecht Weiss, chief of the personnel department of the I.G. plant at Ludwigshafen for many years, dated 11 December 1947, on defendant Dr. Hermann Schmitz' attitude towards social problems and on his personal cooperation in the sphere of social welfare.	10

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Schmitz No.	Exhibit No.	Description of Document	Page
48		Affidavit by Dr. Albrecht Weiss, chief of the personnel department of the I.G. plant at Ludwigshafen for many years, dated 2 January 1948, in which a comparison is drawn between the turnover of I.G. money expended on wages, on social welfare, on dividend payments, as well as the fees of the active members of the Vorstand.	14
49		Affidavit by Otto Seidel, deputy member of the I.G. Vorstand up to 1937. This witness reports on an occurrence in the late summer of 1939 which demonstrates that not even then did defendant Schmitz believe in the possibility of a war.	18
50		Affidavit by Karl Blessing, member of the Reichsbank Directorate and chief adviser (Generalreferent) of the Reich Economy Minister Dr. Schacht, dated 23 December 1947, on the meetings of the Advisory Committee on raw material problems in 1936 (re document NI-5380, prosecution exhibit No. 400).	20
51		Affidavit by Dr. Kurt Krueger, chief of the Central Finance Administration of I.G. Berlin W 7 amongst other things, dated 31 December 1947, on I.G.'s attitude towards their non-aryan foreign employees at the time when the authorities forced their discharge from I.G. service. This witness comments especially on prosecution Document No. NI-9289, Prosecution Exhibit No. 1069, on the discharge of the non-aryans employed in the Austrian I.G.-Organisation	23

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Schmitz No.	Exhibit No.	Description of Document	Page
52		Affidavit by Dr. Guenther Frank-Fehle, executive of I.G. Berlin N W 7, dated 2 January 1948, on Prosecution Document No. NI-9289, Prosecution Exhibit No. 1069, in as far as it deals with the discharge of the non-aryans employed in the Austrian I.G. Organization.	29
53		Graf Rudolf von Spreiti's affidavit, dated 11 January 1948. This witness is the son-in-law of the Jewish Schoharret Dr. Arthur von Weinberg, who in March 1943 died in the concentration camp Theresienstadt and who was co-owner of one of I.G.'s parent firms, member of the Aufsichtsrat from 1926 to 1937 and member of the I.G. Verwaltungsrat from 1926 to 1935. This witness deals with defendant Dr. Hermann Schmitz' relations with Schoharret von Weinberg and with I.G.'s, especially defendant Dr. H. Schmitz', assistance in his endeavors to protect his father-in-law.	32
54		Affidavit by Dr. Walter Hoyer, chief of the office of the I.G. Central Committee, dated 20 December 1947, on the preparation of the I.G. Vorstand's annual business report to the I.G. Aufsichtsrat. (re Document No. NI-6099, Prosecution Exhibit No. 1312 and Document NI-6100, Prosecution Exhibit No. 1313).	36
55		Affidavit by Paula Ester, defendant Dr. Hermann Schmitz' secretary from 1928 to 1945, dated 9 November 1947, on Prosecution Document NI-10927, Prosecution Exhibit No. 1523, relating to the photograph album presented to Schmitz by the I.G. plant Auschwitz on the completion of his 25th year of service.	38

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56		Affidavit by Charlotte Thumel, secretary in defendant Dr. Schmitz' secretariat from 1928 to 1945, dated 28 November 1947, on the Auschwitz album.	41
57		Affidavit by Dr. Heinz Savelberg, commercial employee at the I.G. plant Auschwitz from 1941 to 1945, dated 14 December 1947, on the Auschwitz album.	43
58		Affidavit by Dipl. Ing. Reinhard Heidebrock, recorder of the minutes at the construction conferences of the I.G. plant Auschwitz, dated 19 November 1947, on the submission of the construction conference minutes to defendant Dr. Schmitz.	46
59		Affidavit by Paula Ester, dated 9 November, 1947, on the submission of the Auschwitz construction conference minutes to de- fendant Dr. Schmitz.	48
60		Affidavit by Paula Ester, dated 30 December 1947, on congratulations received by defendant Dr. Schmitz on the occasion of his 60th birthday.	51
61		Affidavit by Paula Ester, dated 19 November 1947, on her affidavit to the prosecution, dated 15 February 1947, Document No. NI-5136, Prosecution exhibit No. 316, relating to defendant Dr. Schmitz' membership of the Military Science Council.	53

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62		Letter from the Heidelberg Town Administration, dated 19 November 1947, on the establishment and later endowment of the "Geheimrat Dr. Hermann Schmitz Foundation - Heidelberg".	55
63		Letter from the Oberbürgermeister (Mayor) of Ludwigshafen/Rhine, dated 28 November 1947, on the establishment and later endowment of the "Geheimrat Dr. Hermann Schmitz Foundation - Ludwigshafen/Rhine", including a copy of defendant Dr. Schmitz' letter, dated 31 December 1940, on the establishment of this foundation.	58
64		Certified true copies of defendant Dr. Schmitz' letters, dated 31 December 1940 and 31 December 1941, on the establishment and later endowment of "Geheimrat Dr. Schmitz Foundation", including a certified true copy of a list showing the financial position of the foundation.	62
65		Certified true copy of a letter by defendant Dr. Schmitz, dated 8 February 1944, to the Mayor of Wesel on the establishment of a "Hermann and Margarete Schmitz von Mellinckrodt Foundation".	65
66		Letter from the township of Kitzbuehel in Austria, dated 4 December 1947, including three enclosures on the establishment of the "Geheimrat Dr. Hermann Schmitz Foundation - Kitzbuehel".	67
67		Certified true copies of defendant Dr. Schmitz's letters, dated 7 October 1929 and 5 December 1929, on the establishment of a "Geheimrat Dr. Schmitz Endowment" for the Humboldt school at Essen, including an excerpt from a letter by the head of the Humboldt school at Essen, dated 2 December 1947, as well as two of the four enclosures mentioned.	73

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		therein, showing the position of this endowment as well as that of an Otto Schmitz Foundation established by defendant Dr. Schmitz at the same school at a later date.	
68		Letters from the board of the Liebig- Realgymnasium, dated 26 December 1947 and 2 January 1948, on the establishment of the "Alfred Schmitz Endowment" and the "Otto Schmitz Endow- ment" by defendant Dr. Schmitz.	83
69		Certified true copies of two letters by defendant Dr. Schmitz to the Malenchthon Association for Boarding Schools at Baden (registered association), dated 5 October 1929, on the establishment of the "Otto Schmitz Endowment" founded by him.	86
70		Letter by I.G. Farbenindustrie A.G. "in dissolution", Ludwigshafen, dated 29 December 1947, on the establishment and financial position of the "Hermann and Margarete Schmitz Endowment".	90
71		Letter by Rheinische Stahlwerke, dated 30 December 1947, on the establishment and position of the Hermann Schmitz Endowment".	96

I certify that all documents contained in this Document
Book are true copies of the documents presented to this
court.

Nuernberg, 12 January 1948

Dr. Rudolf Dix
Attorney-at-Law.

Schmitz-No. 44

Exhibit-No.

Dr. jur. KURT FRHR. v. LERSNER
formerly President of the German
Peace Delegation of Versailles

(16) Nieder-Erlenbach,
6 October 1947
via Vilbel, (berhessen

A f f i d a v i t .

I, Kurt Freiherr von Lersner, Nieder-Erlenbach near Vilbel, Oberhessen, born on 12 December 1883, know that I shall be liable to punishment for making a false affidavit. I declare under oath that the following statements concerning Geheimrat Dr. Hermann Schmitz are true and have been made in order to be submitted as evidence for case VI to the Military Tribunal at the Palace of Justice in Nuremberg.

I have known Geheimrat Dr. Hermann Schmitz since the peace negotiations in the spring of 1919 at Versailles. After entering into a working arrangement with I.G. in 1929 I came into closer touch with Geheimrat Schmitz. Well known as he was for his bravery and his wounds as a front-line soldier, he was otherwise in life correspondingly as reserved.

My ideas on peace, my constant efforts to establish an honest understanding between Germany and France, interested him keenly, but, in accordance with his natural disposition, his attitude towards me was more "receptive" than "active", since he always and exclusively concentrated on and confined himself to his work, the finances of I.G. Farbenindustrie A.G.

Schmitz-Nr. 44

Exhibit-Nr.

On one occasion, before 1933 (I forget what year), I was approached to induce Geheimrat Schmitz to take charge of the office of Reich Minister of Finance, for which his excellent expert knowledge seemed to predestinate him. In the course of our confidential conference, he replied in his modest way: " I am not made for such a high public position. I can only work quietly at my writing-desk, without making myself prominent."

On account of my acquaintance with him, extending over decades, I consider Geheimrat Schmitz quite incapable of war crimes or crimes against humanity and I highly respect him as an honest and pure character.

My friend, Geheimrat Professor Carl Bosch, thought most highly of his friend, Hermann Schmitz, and he stuck to the utmost to his quiet co-worker. Both men knew what they meant for each other and faithfully worked together. Frequently I was for hours alone with both of them together and I admired their mutual friendliness. How much Dr. Hermann Schmitz was valued by Geheimrat Bosch may be perceived from the following: Probably in 1937, on one of our joint summer excursions, Bosch and I were taking a trip in Bosch's motorboat up the river Neckar, and had lunched at Hirschhorn. On this occasion once again Bosch raged about

Schmitz - No. 44

Exhibit - No. . . .

the conditions created by Hitler and bitterly complained that the purpose and work of his life, the freedom of science, were being most seriously endangered: " I am fed up with the whole stuff!" Then he stood still in the narrow lane looking onto the sunny Neckar, gathered himself together again and proceeded: " At least I have not lived in vain, for I have Schmitz, Hummel *) and you as friends! "

*) the former democratic State President of Baden,
Professor Dr. Hermann Hummel.

Nieder-Erlenbach, 5 October 1947

signed: Freiherr Kurt von Lersner

It is herewith certified that the above signature was affixed
by Freiherr Kurt von Lersner.

Nieder-Erlenbach, 6 October 1947

signed : Heinrich von Respatt
Attorney-at-Law

Schmitz-No. 45

Exhibit-No. . . .

I, Professor Dr. Hermann Barzfeld, 71 years old, domiciled at Tegernsee, Oberbayern, Neureuthstrasse 130 $\frac{1}{2}$, know that I shall be liable to punishment for making a false affidavit. I declare under oath that my statements are true to the best of my knowledge and belief and were made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuremberg.

In 1922 I joined the Vorstand (board) of the then Badische Anilin- und Sodafabrik and became in 1926 Vorstandesmitglied (board member) of I.G. Farbenindustrie Aktiengesellschaft. I resigned in October 1931. During this time I had official and later on purely personal contact with Geheimrat Dr. Schmitz.

I gathered the impression that Geheimrat Schmitz was, like myself, little interested in politics and kept himself informed of general political developments only insofar as they had any relation to his economic tasks. I always had the impression that, in accordance with his disposition, he was against any radical developments and always considered it the soundest way to follow the middle path.

I remember the principal lines of a conversation I had with Schmitz after his appointment in the Bank fuer Internationalen Zahlungsausgleich (B.I.Z. - Bank for the Settlement of International Payments).

Schmitz-Nr. 45

Exhibit-Nr. . . .

According to my recollection, his view was that he could not refuse this appointment, so as to be able to participate when the time should again come when it would be possible for Germany to try and re-establish closer relations with foreign countries. He hoped that he would then be able to place his business and personal connections abroad at the service of such a new development.

In his work for the International Nitrogen Convention (Internationale Stickstoffkonvention) in which, as I remember, he was quite specially interested, Schmitz was guided by similar considerations because he saw in this Convention an instrument capable of effecting a further extension of our relations abroad.

signed: Dr. Hermann Warmbold
Dr. HERMANN WARMBOLD

I herewith certify that the above signature of Professor Dr. Hermann Warmbold, domiciled at Tegernsee, Oberbayern, Neureuthstrasse 13C $\frac{1}{2}$, was made before me, Hanns Gierlichs, deputy defense counsel, at the Military Tribunal in Nuremberg.

Tegernsee, 5 October 1947

signed: Hanns Gierlichs

Schmitz-No. 46

Exhibit-No. . . .

Dr. Johannes Krohn

(21a) Heiligenkirchen 14C
(via Detmold)
16 December 1947

A f f i d a v i t .

I, Dr. Johannes Krohn, born on 4 July 1884 at Stettin, domiciled at Heiligenkirchen 14C near Detmold, know that I shall be liable to punishment for making a false affidavit. I declare under oath that my statements are true and were made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuremberg.

In the year 1941 I was appointed as Reich Custodian of Enemy Property in Berlin. It was my duty to exercise control over the administration of the entire enemy property within the German Reich. The administration was a kind of trusteeship. The enemy property was to be safeguarded and preserved in its entirety. I had to see to it that these principles were everywhere uniformly adhered to and that enemy property rights were not violated.

Influential agencies, notably the Reichsleitung (Reich Administration) of NSDAP, high Party functionaries, the Plenipotentiary of the Four Year Plan and the Reich Ministry of Economics pointed out that German property in enemy countries, especially in America, was disposed of by compulsory sale. They, therefore, demanded that in Germany too the administration of enemy property under trusteeship be abandoned and that this property become German property. I emphatically refused to comply with these demands. In order to inform myself of what was really happening abroad and what the German entrepreneurs thought on this question, I made enquiries of leading persons in German economic life. Thus, I had two or three long conferences with Geheimrat Dr. Hermann Schmitz of I.G. Farbenindustrie-Aktiengesellschaft, on these occasions, Geheimrat Schmitz repeatedly and emphatically stressed that the administration of enemy property purely under trusteeship was to be maintained and that it should be conducted after the fashion of trusteeship over property of absent persons (Abwesenheitspflege) and that especially any compulsory transfer of enemy property into German ownership must be avoided.

Schmitz-No. 46

Exhibit-No. . . .

I could rely particularly on Geheimrat Schmitz's judgment. We also succeeded in achieving the maintenance of the administration in the character of trusteeship right up to the end and the enemy property remained untouched. A special Anglo-American Control Commission which took over and examined the files of my office explicitly verified these facts.

During our conversations, Geheimrat Schmitz repeatedly and emphatically pointed out that, in his opinion, the maintenance and restoration of confidence in relation to economy abroad, especially to economy of the United States of North America, was of greater importance than any possible profit which might be obtained by the German economy through the acquisition of enemy property. He also pointed out how important it would be for the preservation and restoration of international confidence if in Germany a decent and honest trusteeship administration took care of enemy property.

signed: Dr. Johannes Krohn

I herewith certify that the above signature of Dr. Johannes Krohn, domiciled

Schmitz-Nr. 46

Exhibit-Nr. . . .

at Heiligenkirchen 11A near Detmold, was made before me,
Wilhelm Schnitger, Notary at Detmold, Moltkestrasse 6.

Detmold, 13 December 1947

signed: Schnitger
Notary

Document Scroll No. 3095
of 1947

Account of Expenses

Value RM: 1.000.-	
Fee as per Par. 39	RM 2.-
Turnover tax	" -.66

	RM 2.66

signed: Schnitger
Notary

Affidavit

I, Dr. Albert Weiss, living in Heidelberg, Moltkestrasse 21, know that I make myself liable to punishment if I render a false affidavit. I declare by this affidavit that the following statements are true according to the best of my knowledge and belief and that they were made to serve as evidence at the American Military Tribunal in Nuernberg for the case VI (I.G. Farbenindustrie Aktiengesellschaft).

In my capacity as chief of the Personnel Division of the I.G. plant in Ludwigshafen and as a collaborator of the Bertrams Office of the I.G., I had during the years from 1926 to 1945 many opportunities to discuss with Geheimrat Schmitz questions of social policy and welfare measures. Consequently I can affirm that Geheimrat Schmitz was fully aware of social responsibility and that he positively consented to the social welfare measures in the I.G. concern and, in his capacity as the responsible financial manager of the concern, promoted them financially in an extraordinary manner.

I would like to quote three various fields in which I could observe this social attitude of Hermann Schmitz at close range:

- 1) Charged with the problems of old-age pensions and savings by the I.G., I had numerous and sometimes

Schmitz - No. : 47..

Exhibit - No. :

(page 11 of document)

lengthy meetings with Hermann Schmitz: I had to meet him annually at the close of the year, in order to discuss with him the yearly contribution of the company to the employees' old-age pension fund. Although, in accordance with the charter of this fund, the company had no legal obligation to replace the capital of this fund for the pension claims of the then employees, which was lost almost completely during the inflation of 1920 to 1923, Geheimrat Schmitz nevertheless held the opinion that a moral obligation existed for the I.G. to safeguard the claims of their old and deserving employees as soon as possible. Consequently, he most willingly gave considerable amounts annually to supply the still existing deficit in the insurance funds. In the years 1941 and 1942, as far as I remember, it was 60 Mill. Marks each time and in 1943, 40 Millions which were the sums fixed as the donations.

Geheimrat Schmitz was personally also very much interested in and spent considerable time on discussions about the socially important and legally and financially difficult structure of the I.G. Employees' Welfare Provisions (Gefolgeschafthilfe) which were gradually to give to the workers also a legal claim for old-age, invalidity and dependents' support (in addition to the pensions deriving from the State Social Security Insurance), and also about the I.G. savings-bonus system as an incentive for long-term savings.

Schmitz - No. : 47...

Exhibit - No. :

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The I.G. Employees Welfare Fund was so amply supported by Geheimrat Schmitz that it was able to reach in the three or four years of its existence the sum of approx. 120 million Marks.

2) In the years immediately preceding the end of the war, during which ^{the} Geheimrat lived and worked mostly in Heidelberg, besides occasional visits to the welfare establishments of the Ludwigshafen Works in the Pfalz, he often visited the Kohnhof, a convalescent home close to Heidelberg, which served new social purposes. Here were alternately two kinds of employees: for two weeks the Kohnhof was occupied by male or female workers who underwent a so-called rapid-sports-cure under the supervision of a sports-teacher, for the prevention of sickness; this was followed by a course for department ^{losses} and foremen who, under the supervision of psychological advisers, were instructed in the importance of their occupations for the human relationships in the plant. Both institutions, which were probably pioneers in German industry at that time, aroused the vivid interest of Geheimrat Schmitz, who visited the Kohnhof frequently, also with his family, and who also took part in the conventions which were held at the Kohnhof in the most diversified fields of psychology and welfare problems.

3) Geheimrat Schmitz has himself set up several foundations

Schmitz - No. : 47.....

Exhibit - No. :

(page 4 of document)

in the field of welfare; such as the Schmitz Foundation and the Hermann and Margarete Schmitz Foundation for the benefit of employees of the I.G., as well as foundations for needy inhabitants of Ludwigshafen and Heidelberg. I had to counsel him in these questions and I recall that he, for instance, very carefully selected the object of the Hermann and Margarete Schmitz Foundation, namely, that of the defraying of medical and other expenses after difficult childbirth and he did this in remembrance ^{of} the deep cares he had had with this problem in his own family.

Munich, December 11th 1947

signed: Dr. Albrecht Weiss

Dr. ALBRECHT WEISS

The above signature of Dr. Albrecht Weiss, Heidelberg, Melkenstr. 21, has been affixed in the presence of me, Hanne Gierliche, deputy defense counsel at the Munich Military Tribunal, to which I hereby witness and attest.

Munich, December 11th 1947

signed: Hanne Gierliche

HANNE GIERLICHE

Schmitt - No. : 48...

Exhibit - No. :

Affidavit

I, Dr. Albert Weiss, living in Heidelberg, at Moltkestr. 31, have been informed that I render myself subject to punishment if I make a false affidavit. I declare by this affidavit that my statement represents the truth and was made in order to serve as evidence at the Military Tribunal in the Court of Justice in Nurnberg.

In my capacity as chief of the personnel department of the I.G. plant at Ludwigshafen, I held lectures for members of the personnel, principally at the Kohlhof near Heidelberg during rest cures and instruction courses, with the purpose of acquainting the employees with the history and the tasks of the I.G. Geh.Rat Schmitt, incidentally often took part in the meetings at the Kohlhof.

In order to demonstrate to the audience that socialization, which was, of course, so far as combines were concerned, one of the aims of National Socialism, and which was certainly to be expected, especially for the I.G., after any war won by the National Socialists, would scarcely lead to any great changes, because in the true sense of the

(page 2 of document)

word, this was no longer a capitalistic enterprise, I made use of the following table. The data for this table had been collected by myself, so far as it was not available from published figures:

Year	Turn-over in Bill. of RM.	Wages	Welfare	Dividends in % of Turn-over	Salaries of the active members of the management.
1937	1,567	25	7.0	3.4	0.33
1938	1,647	25	7.2	3.3	0.28
1939	1.99	19	5.3	2.7	0.21
1940	2.158	23.8	6.3	2.8	0.18
1941	2.54	24.1	6.0	2.7	0.15
1942	2.903	23.2	7.7	2.8	0.12
1943	3.115	24	8.1	2.6	0.11

This tabulation leads to the following deductions:

- 1) The increasing turnover of the war years has gone hand in hand with a corresponding development of the expenses for wages, welfare and dividend payments. So-called war profits have therefore not been distributed to the shareholders either as over average welfare funds or as dividends.
- 2) If one regards the expenditures for wages and the welfare fund as the part of "Labor's" contribution to the production results and dividends as the part which "Capital" played in the production factor, the former usually amounted in the I.G. to ten to twelve times as much as the latter.

Schmitz - No. : ,48....

Exhibit - No. :

(page 3 of document)

3) But the welfare payments alone are regularly about twice as high as the dividends. (The increase of the former during the war years 1942 and 1943 can be explained by the war-events: building of barracks and support of the families of draftees, which would have been only temporary).

4) The juxtaposition of the salaries of the active members of the management, with the turn-over as well as with the payments to the employees and the shareholders, leads to a ridiculously low percentage. This relation not only did not increase with or remain proportionate to the increasing turnover, it even dropped considerably. The reason for this can be found by the leaving of the older and highly-paid members of the Vorstand and ^{their} replacement by younger members of the management. Moreover, the salaries of the members of the management, as I heard from Dr. Wurster, had not been raised since the beginning of the war, although all the other employees, including the prokurists and directors, received increases also during the war as warranted by their competence and their length of service.

Signed: Dr. Albert Weiss

The above signature by Dr. Albert Weiss.

Schmitz - No. : ...48...

Exhibit - No. :

(page 4 of document)

living in Heidelberg, Koltkestr. 21, has been affixed in the presence of me, Professor Eduard Wahl, and this is hereby verified and attested to by me.

Heidelberg, January 2nd 1948.

signed: Dr. Eduard Wahl

Professor in ordinary of the Law
Special Counsel of all defendants.

Schmitts - No. : 49

Exhibit - No. :

Affidavit

I, Otto Seidel, living in Heidelberg, Schloss-Wolfebrunnengasse 5, know that I render myself punishable if I make a false sworn statement. I hereby declare by this affidavit that the following statements are true according to the best of my knowledge and belief and that they were made to be presented as evidence at the American Military Tribunal in Nuernberg, for case VI (I.G. Farbenindustrie Aktiengesellschaft).

From 1901 I worked first for the Badische Anilin and Soda Factory, Ludwigshafen a.Rh., and from 1926 for the I.G. Farbenindustrie Aktiengesellschaft as a deputy member of the Vorstand (Board of Directors) and as the technical manager of the Ludwigshafen plants until the end of 1937. I have not been at any time a member of the NSDAP or any of its affiliated organizations.

Having learned from the newspapers that the management of the I.G. Farbenindustrie Aktiengesellschaft is accused of having knowingly prepared for aggressive war, I feel compelled spontaneously to make the following statement in order to prove that Geheimrat Schmitts did not believe there would be a war:

In the late summer of 1939, I had a reservation made on the boat "Bremen" of the North German Lloyd for a long-planned trip to San Francisco via North America. As, however, at that time, the news became more and more disquieting, I decided a few days before the departure of the boat - it was her last trip to New York - to abandon my trip by telegram.

Schmitz - No. : ...⁴⁹...

Exhibit - No. :

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and to cancel my reservation. On my way to the Telegraph Office and the Office of the North-German Lloyd, I met Geheimrat Schmitz, who had been my neighbour and whom I had previously informed about my travel plans. I informed him that I was on my way to cancel my trip. Thereupon he retorted: "You can certainly depart, there will be no war." He certainly would not have given me this advice if he had believed there would be a war.

Heidelberg, December 31st 1947.

Signed: Dr. Otto Seidel

The above signature by Dr. Otto Seidel, living in Heidelberg, Schloss-Wolfsbrunnengasse 5, has been affixed in the presence of me, Professor Dr. Eduard Wahl, and is witnessed and attested to by myself.

Heidelberg, 31 December 1947

signed: Eduard Wahl

Professor in ordinary of the Law
Special Counsel of all defendants.

Affidavit.

I, Karl BLESSING, at present living in Vaihingen-Enz, Stuttgart-Strasse 67, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that to the best of my knowledge and belief I have stated the truth in this affidavit made to be submitted as evidence to the American Military Tribunal ^{at} Nuernberg (case VI IG Farbenindustrie Aktiengesellschaft).

From August 1934 to June 1937 I was Dr. SCHACHT's assistant at the Reich Ministry for Economic Affairs. As the foreign exchange- and raw materials situation deteriorated GOERING was ordered by HITLER in the Spring of 1935 or thereabouts to deal with problems relating to foreign exchange and raw materials. In connexion with this order a few discussions were arranged at GOERING's invitation and under his chairmanship, by means of which GOERING endeavoured to get a clear picture of the situation with regard to foreign exchange and raw materials. As far as I can remember some of these discussions took place between the representatives of the various government departments concerned, others between

representatives of those departments and representatives of industry. Discussions of the latter type only took place two or three times as far as I can remember. I attended such discussions as a member of SCHACHT's department. I remember that SCHACHT issued instructions to the representatives of the Reich Ministry for Economic Affairs, some of whom reported on the various problems, to present a clear and unembellished picture of the situation in order to show GOERING how serious the foreign exchange and raw materials situation was. I cannot remember that discussions in which representatives of industry took part were described as meetings of the advisory committee on problems in connexion with raw materials. I did not gain the impression from the discussions I attended that they were routine meetings, but rather gatherings of people more or less arbitrarily called together to discuss the difficulties then existing in connexion with raw materials and foreign exchange. I never heard that the committee as such submitted definite general proposals on the policy to be pursued with regard to raw materials and foreign exchange, as the name might seem to suggest.

Nor did I ever hear that the representatives of industry concerned submitted in writing common proposals which might have formed the basis of the work of a committee especially appointed for that purpose.

In view of the fact that the Four Year Plan was announced in the Autumn of 1936, resulting in the creation of a central office to deal with problems relating to raw materials and foreign exchange, it is certain that discussions were not continued, at any rate in that form and between that set of persons.

As far as I can remember, Geheimrat SCHEITZ did not play a prominent part in the discussions mentioned above, the more so, since to parade himself in public was alien to his nature.

Vaihingen-Enz, 23 December 1947

signed Karl BLESSING

I herewith witness the above signature and certify that it is that of Herr Karl BLESSING, Vaihingen-Enz, Stuttgarter Str. 67, made before me, Ratschreiber STAMM, at Vaihingen-Enz, 23 December 1947

signed STAMM

Ratschreiber

Foot 2.— RM
Rec. Number 656,

Schmits - No. 1,51...

Exhibit - No. 1.....

Affidavit.

I, Dr. Kurt Krueger, at present living in Remholz, Kra. Schlusachten, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that to the best of my knowledge and belief the statement which follows is true. It was made to be submitted as evidence to the Military Tribunal No. VI (case VI IG Farbenindustrie Aktien-gesellschaft).

I was an employee of the IG Farbenindustrie Aktiengesellschaft from 1926 or thereabouts onwards. Amongst other positions I held that of head of the central finance administration office of IG, Berlin NW 7, which dealt centrally with the financial business of IG.

Negotiations were frequently conducted in connexion with the removal from IG organizations abroad of Non-Aryans which had been enforced by the government and Party authorities for the purpose of arranging payments which had to be made in foreign currency of compensation, pensions, and retainers (Karenz-zahlungen) to non-Aryans when they left. Owing to the fact that it was the business of the central finance office of IG to apply for the foreign currency permits required, I took part in such negotiations with the Reich Ministry for Economic Affairs and with the Foreign Organization of the NSDAP

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Exhibit - No. :

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very frequently. I am therefore perfectly familiar with the policy the IG pursued in these matters, which was, to treat the non-Aryans who had to leave with a maximum of fairness and generosity, and to assure their security for the longest possible period. In numerous cases "Karrens" contracts (placing upon one party the obligation not to compete for a certain period of time in the same ^{field of} business with his former employer) were concluded, although they did not deserve to be called such in reality, in order to bridge over the time until the person concerned was entitled to a pension in accordance with the provisions of his contract.

I can remember clearly the following incident. When a large number of applications for foreign exchange in connexion with the payment of compensation to non-Aryans in our sales organizations in South Eastern Europe had accumulated at the Reich Ministry for Economic Affairs which could not be granted because the persons who then represented the Foreign Organization at the Reich Ministry for Economic Affairs refused to countersign the notifications of granting of applications, a conference between representatives of the IG and all the departments of the Reich Ministry for Economic Affairs concerned was arranged at the instance of Ministerialdirigent Dr. Landwehr who supported our point of view for the purpose of reaching a general decision on the question of policy with regard to the payment of such compensation. 18 - 20 persons in all were present at that meeting. My assistants and I, together with the representatives of the

Schmitz - No. : 51...

Exhibit - No. :

(page 3 of document)

sales organizations of the IG fought at that meeting with such determination for the permits for which we had applied, that one of the representatives of the foreign organization present - I have forgotten his name - remarked during the meeting, that "the gentlemen of the IG were fighting for the claims of the Jews, as if they were their own claims. They seemed to have no idea as yet of the spirit of the third Reich."

After an extremely difficult and at times acrimonious debate we succeeded in pushing our original claims through with minor alterations to our disadvantage.

The attitude of the IG as formulated and criticized in the above mentioned meeting was one of the reasons why considerable difficulties were placed in the way of the IG in trying to guard its interests in Austria after the Anschluss. It was reproached with having proved itself politically unreliable from the National Socialist point of view in that it had, among other things, done very little about the dismissal of non-Aryans from the Austrian organizations of the IG, in spite of repeated requests to that effect. Numerous Jews did as a matter of fact still hold positions in IG enterprises in Austria in March 1938. I can remember clearly that ways and means of counteracting the unfavorable impression thus made on the party were

(page 4 of document)

discussed at the time by the committees of the IG.

The prosecution document BI - 9289 (affidavit Dr. Guenther Frank-Fahle) has been shown to me. It contains excerpts from minutes of meetings of the Commercial Committee. The following passage occurs on page 4 of the original:

"3) Personnel.

It is unanimously agreed that all non-Aryans in the Austrian organizations should immediately be relieved of their office, or that they should be given notice at the earliest possible date, common IG interests being safeguarded in accordance with the policy laid down by Geheimrat Schmitz. Members of Aufsichts- and Verwaltungsrats who are non-Aryans, should also be made to resign from office."

In this connexion, I would like to state the following: the wording of the minutes gives the spirit, or rather, the evil spirit, of Nazism, and represents, therefore, a negation of the spirit in which the IG treated the question of non-aryans. The minutes of IG meetings were so to speak shop windows. They contained therefore some items which were mere "window dressing", dummy exhibited for purposes of decoration. Thus the passage quoted above was inserted, so that reference could be made to it when dealing with government or party authorities. This theory also offers an intelligible explanation for the reference to Geheimrat Schmitz, who was not responsible for

Schmitz - No. : 51..

Exhibit - No. :

(page 5 of document)

decisions of such questions at all, but whose name was pressed into service for that purpose. I have been in a position to observe that Schmitz strove to surpass by additional financial assistance etc. the normal generosity of the IG in paying compensation, in those exceptional cases in which he was involved. Actually conditions were as follows. Austria having been made Reich territory by the Anschluss, there could be no doubt at all that the continued employment of non-Aryans in IG organizations would not be permitted. But those who took part in the meeting had not the shadow of a doubt that nothing must be left untried to ensure that those who left were treated as decently and generously as possible from the financial point of view.

It is significant that nothing is said in the resolution, which formed a vantage point for those affected, since the public documentation on the part of the IG of their determination to remove non-Aryans involved the obligation to pay compensation, about the details of the policy to be pursued, publication of which would have rendered nugatory the achievement of the aim.

Kiesbach, 31 December 1947

signed: Kurt Krüger

Schnitts - No. : .51...

Exhibit - No. :

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URMR 1334/1947

This is to certify that the signature on pages one and two of the original of this statement is that of Dr. Kurt Zruoger, of Banholz, Kreis Schluschatern, at present living at Stadelborghaus, Gemeinde Parsberg bei Kiesebeck. Dr. Zruoger established his identity by presenting his identity card which contained a photograph, issued by Landratsamt Schluschatern on 20 August 1946, No. T 125599.

Kiesebeck, 31 December 1947

signed: H. Vogel, Notary

Fee reg. no. 1334
Value: 3000.— RM
Par. 39 4.— RM
Turnover tax 0.15 *
Saldo 4.15 RM

paid 31 December 1947

signed: H. Vogel, Notary.

SCHMITZ No. 52

Exhibit No.

Affidavit

I, Dr. Guenther Frank-Pahle, at present living at Oberursel, Tannus, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to the Military Tribunal VI at Hamburg, Courthouse. Until 1945 I was employed by I.G. Farbenindustrie A.G. as Protokollfuehrer (recorder of the minutes) of the Commercial Committee of that firm reestablished in 1937.

The minutes of the meeting of the commercial committee held on 23 March 1938 were shown to me. They contain the following passage, which also occurs in prosecution document NI-9289:

"It is unanimously agreed that all non-Aryans in the Austrian organizations should immediately be relieved of their office or that they should be given notice at the earliest possible date, common I.G. interests being safeguarded in accordance with the policy laid down by Goehardt Schmitz. Members of Aufsichts- and Verwaltungsrats who are non-Aryans should also be made to resign from office."

In this connection I should like to state the following:
It was with some hesitation that I.G. had complied with the government directives against the Jews. Very many Jews were therefore still employed in I.G. organizations in Austria at the time of the Anschluss, in March 1938. In order to take the sting out of reproaches and difficulties made by government and party authorities, the above passage was, among other measures, inserted in the minutes of the commercial committee, so that reference could be made to it, should further complaints be made.

The fact that the name of Geheimrat Schwitz was mentioned in this connection was to lend greater weight to this resolution.

The various sales combines continued to deal with questions of personnel. That applied to the organization in Austria as well. I do not know that Schwitz had anything to do with it, except that he addressed to the heads of the sales combines an appeal, to treat people as humanely as possible as diplomatically as possible. No explanation is I think necessary why I did not make a note of that appeal.

SCHLITZ No. 52

Exhibit No.....

Frankfurt/Main 2 January 1948

signed Günther Frank-Fehle

This is to witness and certify that

The above signature was made by Mr. Günther Frank-Fehle
today before me, Holmuth Henze, Defense Counsel (Case 6, American
Military Tribunal, Nurnberg).

Frankfurt/Main 2 January 1948

signed Holmuth Henze,

Schmitz-No.: 53

Exhibit-No.:

Affidavit

I the undersigned Graf Rudolf von Spreti at present living at Hochschloss Pashl bei Weilheim Oberbayern, having been duly advised that I shall render myself liable to punishment by making a false statement herewith depose on oath that the following statement is true. It was made to be submitted in evidence to the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

I am a son-in-law of the Geh.Reg.Rat Dr. Arthur von Weinberg who died on 20 March 1943 in the concentration camp at Theresienstadt at the age of 83. My father-in-law was one of the two proprietors of the firm of Leopold Casella & Co., G.m.b.H., one of the original firms of the I.G. Farbenindustrie Aktiengesellschaft. When the German chemical factories were merged in the I.G. Farbenindustrie he became a member of the Aufsichtsrat and Verwaltungsrat of the I.G. Farbenindustrie Aktiengesellschaft. My father-in-law, as well as his brother, Carl von Weinberg, remained in the administration of the I.G. Farben even after the National Socialist government seized power until ever increasing pressure with respect to the Jewish question made it impossible for him to remainⁱⁿ the I.G. in spite of the latter's opposition; he therefore decided to resign from office.

Schmitz-No.: 53

Exhibit-No.:

My father-in-law frequently consulted Geh.Rat Dr. Schmitz on financial matters, after 1933 more particularly on personal matters, as he was well acquainted with him and had great confidence in him because he knew exactly that Schmitz advised him as a friend in his (Weinberg's) own interests.

I myself had several conversations with Geheimrat Schmitz about the fate of my father-in-law. Herr Geheimrat shared from the bottom of his heart our concern for the head of our family.

During one of these conversations a short time after the so-called "Jews' star" had been introduced in Germany I told Schmitz that I had succeeded by paying a certain sum to a member of the Reichssicherheitshauptamt who was also an SS officer in obtaining a certificate signed and stamped by the Reichssicherheitshauptamt stating that my father-in-law was not obliged to wear the "Jews' star". The reason given in the certificate was that my father-in-law was married to a pure Aryan and had adopted two Aryan daughters.

It was because I knew of Geheimrat Schmitz's sympathy

with my father-in-law's fate and because I knew how eager he was to help, that I turned to Schmitz for help when my father-in-law was suddenly deported (3 June 1942). Schmitz immediately mobilised his staff. I kept in touch with the representatives of the Berlin office of the I.G., Dr. Gierliche and Dr. Krueger, to carry out the I.G.'s plan of assistance. I learned from them that the deliberations of the I.G. after a few unsuccessful immediate measures had led to the result, that Professor Krauch was to tackle Himmler himself which alone offered a chance of success. I learned later from members of the staff of I.G. Farben that the personal interview with Himmler had been a success to a certain extent, in that he had given special permission for the release ^{of} my father-in-law from Theresienstadt and had authorized him to take up residence on the estate of my sister-in-law the Princess Charlotte von Lobkowitz in Mecklenburg, subject to the approval of the Gauleiter and Reichstatthalter concerned.

Unfortunately this decision of Himmler's was forestalled by circumstances as my father-in-law died in the camp in March 1943 before negotiations for the approval of the Gauleiter of Mecklenburg whose attitude had been negative had been concluded.

Schmitz-No.: 53

Exhibit-No.:

Nuernberg, 11 January 1948

signed Rudolf Graf von Spreti

I herewith witness the above signature and certify that it is that of Graf Rudolf von Spreti, at present living at Hochschloss Pechl bei Teilhaim/Oberbayern, made today before me, Dr. Rudolf Dix, attorney-at-law, defense counsel (American Military Tribunal at Nuernberg).

Nuernberg, 11 January 1948

signed: Dr. Rudolf Dix

A F F I D A V I T .

I, Dr. Walter HOYER, Appertal-Vohninkel, Reuterstrasse 20, am aware that, by making a false statement on oath, I render myself liable to punishment. I hereby declare on oath that my statements are in accordance with the truth and are made in order to be laid as evidence before the Military Tribunal in the Palace of Justice at Neurnberg.

After having completed my assessors' examination in 1934, I entered into the I.G., Frankfurt a.M. From 1937, I was head of the Z. (Central Committee) Office, in which, inter alia, the conference material for Geheimrat Schmitz was prepared.

The report of the Vorstand to the Aufsichtsrat, which was furnished annually by Geheimrat Schmitz, on the business position of the I.G. in the course of the previous year, was drafted in the office of the Z. (Central Committee). This Aufsichtsrat report was made up in the following manner: the individual heads of the Sales Combinations, the heads of the technical Sparten, the works managers and other I.G. agents were called some time before the Aufsichtsrat meeting to the office of the

SCHLITZ No. 54

Exhibit No.

Central Committee, in order to hand in a report on the work in their sections, which should contain all matters of interest suitable for the report to the Aufsichtsrat. On receipt of this material in the Office of the Central Committee, the Aufsichtsrat report was compiled for Geheimrat Schmitz by me or by my deputy, Hermann BAESSLER, Frankfurt a. M. This was done by amalgamating the various individual reports, which were greatly reduced. The whole report was therefore a summary of the individual reports in abbreviated form.

When the whole report was finished, it was laid before Geheimrat SCHLITZ, and was read by him at the Aufsichtsrat meeting concerned, without, to my knowledge, any essential alterations.

Wuppertal-Vohwinkel, 20 December 1947.

(signed) Dr. Walter HOYER

Document Register No. 1145 of 1947.

I hereby witness and testify that the signature of Dr. Walter HOYER of Wuppertal-Vohwinkel, Rautenstr. 20 on the previous page, was affixed before me, the undersigned notary, Otto Hermann RECHTERFELD in Wuppertal.

(signed) RECHTERFELD
Notary

Wuppertal, 22 December 1947.

A F F I D A V I T .

I, Paula .SCHWITZ, of Heidelberg, Schloss-Kolfsbrunnengasse 33a, am aware that, if I make a false affidavit, I render myself liable to punishment. I hereby declare on oath, that the following statements to the best of my knowledge and belief, are in accordance with the truth and are made in order to be laid as evidence before the American Military Tribunal in Nuernberg in Case VI (I.G. Farbenindustrie Aktien-gesellschaft).

From 1918, I was employed, first with the Badische Anilin- & Soda-Fabrik, Ludwigshafen a/Rh. and, from 1926, with the I.G. Farbenindustrie Aktien-gesellschaft, until the German collapse in May, 1945. From 1928, I worked as secretary to Geheimrat SCHWITZ.

I have been shown the affidavit of Oberstleutnant (Lieut.-Col.) Edmund TILLY of 11 April 1947. My comments on this are as follows: The statements under No. 3) of this affidavit are in so far not correct, as the memorandum mentioned therein does not refer to an endowment for the Deutsche Museum, but, instead, relates to the carbon copy of the telegram sent by the Office of the Central Committee to Hitler, in which the latter was informed of a donation of RM. 500,000 which the I.G. Farbenindustrie Aktien-gesellschaft had made to the Reich on the occasion of the incorporation of Sudetenland into the German Reich, and which was in particular for the benefit of the Sudeten-German Heimatwerke (Homeland organisation).

In regard to the statements concerning the collection of photographs

of the Auschwitz Works of the I.G. Farbenindustrie Aktiengesellschaft, I would remark as follows:

This album was presented to Geheimrat SCHLITZ by the Auschwitz Works on the celebration of his 25-years' service, which was in the middle of 1944. From that time, the album used to lie open on a table in his study at Heidelberg. It still lay there when Geheimrat SCHLITZ left Heidelberg in March, 1945. It still lay there after Heidelberg was occupied by American troops. When, after the German collapse, announcements on the atrocities in the Auschwitz concentration camp were made on the radio and in the press and the I.G. Farbenindustrie Aktiengesellschaft and the Auschwitz Works were continually being mentioned in this connection, I removed the album from its former place, on my own initiative and without any directives from Geheimrat SCHLITZ, and, either then or later, put it in the safe.

It is correct that it was only after repeated questioning that I produced this album. I did this because, under the influence of the revelations on the radio and in the press, I was, as a German, ashamed of the events in the Auschwitz concentration camp, as they were at that time described. My attitude in this respect had nothing to do with the album, as, in my opinion, this album contained nothing that could have given the slightest suspicion of events in the Auschwitz concentration camp, as they were described in the press and on the radio. So far as I can recollect,

SCHMITZ No. 55

Exhibit No.

this album did not contain any pictures of Jews or concentration camp prisoners. At any rate, when I looked at the album once, shortly after Geheimrat SCHMITZ had received it as a present, I did not notice any such pictures.

I should like in this connection to emphasize that, during my service for Geheimrat SCHMITZ, no correspondence or any other material whatever came into my hands which could have permitted of any conclusion that, in connection with the construction of the Auschwitz works, there were abuses in the treatment of the workers assigned there, although, with very few and mostly accidental exceptions, the whole correspondence and all other official material sent to Geheimrat SCHMITZ passed through my hands. I have consequently not the slightest ground for supposing that Geheimrat SCHMITZ was aware of any such abuses, especially as he never made any remark to me in this sense.

Heidelberg, 9 November 1947.

(signed) Paula SCHER
PAULA SCHER

I hereby confirm and testify that the above signature of Fraulein Paula SCHER, Heidelberg, Schloss-Jolibrunnenvag 33c, was affixed to-day before me, Hanns GIERLICH, Deputy Defence Counsel before the American Military Tribunal in Nurnberg.

Heidelberg, 9 November 1947.

(signed) Hanns Gierliche
HANNS GIERLICH

A F F I D A V I T .

I, Charlotte TRUBEL, residing at Ludwigshafen a.Rh., Oggersheim, Kurfaersterstrasse 4, am aware that, by making a false affidavit, I render myself liable to punishment. I hereby declare on oath that the following statements are, to the best of my knowledge and belief, in accordance with the truth and are made in order to be submitted as evidence before the American Military Tribunal in Nuernberg in Case VI (I.G. Farbenindustrie Aktiengesellschaft).

From 1927 until the German collapse in May 1945, I was employed in the service of the I.G. Farbenindustrie Aktiengesellschaft. From 1928 I worked in the secretariat of Geheimrat SCHWITZ.

The statement of Oberstleutnant (Lieut.-Col.) Edmund TILLEY of 11 April 1947, and the affidavit of Frauclain Paula ESTER on this statement of 9 November 1947, have both been shown to me. My comments on these are as follows:-

I am the mother secretary of Hermann SCHWITZ mentioned under No. 5 in the statement of Lieut. Col. TILLEY as having been present at the interrogation in May 1945. Frauclain ESTER in her statement has correctly described the reason why we only produced the Auschwitz Album after repeated questioning, and I agree entirely with her remarks in this connection. I too, expressly stress that,

SCHMITZ No. 56

Exhibit No.

during my employment in the secretariat of Geheimrat SCHMITZ, nothing whatever came to my knowledge that could have led to the conclusion that, in connection with the construction of the Auschwitz Works of the I.G. Farbenindustrie, there were abuses in the treatment of the workers assigned there. I, for my part, have also no grounds for supposing that Geheimrat SCHMITZ was aware of any such abuses.

Ludwigshafen am Rhein,
28 November 1947.

(signed) Charlotte THURMEL

I hereby confirm and testify that the above signature of Frau-
lein Charlotte THURMEL, Ludwigshafen a.Rh., Oggersheim, Kur-
fuerstenstrasse 4, was to-day affixed before me, Attorney Dr.
Wolfgang HEINTZLER, deputy Defence Counsel before the American
Military Tribunal in Nuernberg.

Ludwigshafen am Rhein,
28 November 1947.

(signed) Dr. Wolfgang HEINTZLER

A F F I D A V I T .

I, Dr. Heins SCHITZ, resident in Cologne, Marienbergerstrasse 8, am aware that, if I make a false affidavit, I render myself liable to punishment. I declare on oath that my statements are in accordance with the truth and are made for the purpose of being submitted as evidence before the Military Tribunal in the Palace of Justice in Nuremberg.

I entered the service of the I.G. Farbenindustrie in June, 1933, and in November 1941 was entrusted with the formation of the commercial organization of the Auschwitz Works of the I.G.

With regard to the affidavit of Lieut. Col. Edward TILLEY of 11 April 1947, No. MI-10927, I make the following statement: On the occasion of the completion of 25 years' service by Geheimrat Dr. SCHITZ, about the middle of 1944, he was presented by the Auschwitz Works with a collection of photographs in volume form. The individual photographs represented the development of the works' buildings, the town, the settlement etc., and included certain photographs showing a comparison of the former building condition, such as,

SCHMITZ No. 57

Exhibit No.

for example, the town of Auschwitz, with that at the middle of 1944. So far as I know, this album contained no offensive or contemptuous representations or references to the Jewish race, or other groups of persons. It further contained nothing of which the recipient or anyone else need have been ashamed.

The congratulatory letter of the Works to Generalrat Dr. SCHMITZ consisted, so far as I recollect, solely of a congratulatory address. Whether this dedication was attached to the album or was drawn up as a separate letter, I can no longer remember.

The album was handed to Generalrat SCHMITZ in Heidelberg on the occasion of my business trip to Ludwigshafen in the middle of 1944. He glanced briefly through it, as he was extremely busy, and expressed his thanks for the good wishes and the gift presented to him.

I myself looked through the album in Auschwitz after its completion and would not have consented to undertake the presentation myself if there had been anything in it of an offensive or defamatory nature.

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Exhibit No.

Cologne, 14 December, 1947.

(signed) Dr. Heins Savelberg

Dr. HEINS SAVELBERG

U.R. No. 2259 for 1947.

The undersigned Notarassessor, Baldain LOCHING, of Cologne, as officially appointed deputy of Notary Dr. Pascal LAUBACH, of Cologne, hereby certifies the above signature of Dr. Heins SAVELBERG, merchant, of Cologne-Marienborg, Marienburgerstr. 8'.

Cologne, 15 December 1947.

The Deputy Notary:

(signed) LOCHING

Notarassessor,

Schweitz-No.: 58

Exhibit-No.:

Reinhard Heidebroek
Diplomingenieur

(17b) Grenzach/Baden
Steinweg 5

19 November 1947

I, Reinhard Heidebroek, residing at Grenzach/Baden, Steinweg 5, am aware that I shall be liable to punishment for making a false statement. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nurnberg.

From 1 August 1934 I was employed as a factory engineer in the Ludwigshafen plant of I.G. Farbenindustrie. From the beginning of 1941 I was engaged - at first in Ludwigshafen, later on in Auschwitz itself - in the preparatory work for the I.G. plant at Auschwitz. As one of the youngest participants it was my task during the construction conferences to compile the minutes of the conference. I have been repeatedly asked, also by representatives of the prosecution, to whom the individual copies of the reports on these construction conferences were sent. Unfortunately I am today no longer able to give accurate information on this. I only remember that a decision was made, either during the first or perhaps during the second construction meeting, as to whom the records were to be sent. This decision was put into the record,

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and if it were possible to obtain a copy of the first or second construction meeting, all doubts regarding this question could be removed.

The reason why I cannot remember the matter any longer is because the distribution of the minutes was merely a routine matter, which, once decided upon, was dealt with by my secretary, after having given instructions to my office to that effect. My secretary, Fraulein Lissy List, who would have been in a position to answer this, died last year from a tumor on the brain.

But I think I can say today almost with certainty that Geheimrat Schmitz was not on the distribution list. As far as I remember, the most important offices in the Company to which copies of the minutes were regularly sent were the office of the Technical Committee in Frankfurt and the directorate of the Ludwigshafen plant, as well as the Ammoniakwerke Merseburg. But I cannot state this for certain.

signed: Reinhard Heidebroek

I herewith certify that the above is the signature of Reinhard Heidebroek, Grenzach/Baden, Steinweg 5, and was made in the Notary's Office, Mannheim I, before Justizrat Dr. Oskar Metzger, Notary.

Mannheim, 26 November 1947
Notary's Office Mannheim I

signed: Dr. C. Metzger
Justizrat

Par. 39 KO RM 4.—

Affidavit

I, Paula Ester, residing at Heidelberg, Schloss-Wolfsbrunnenweg 33a, am aware that I shall be liable to punishment for making a false statement. I herewith declare under oath that the following statement is true and was made to the best of my knowledge and belief in order to be submitted as evidence to the American Military Tribunal in Nurnberg, Case 6, (I.G. Farbenindustrie Aktiengesellschaft).

From 1918 I was first employed by the Badische Anilin- & Soda-Fabrik, Ludwigshafen/Rhine, and from 1926 until the German collapse in May 1945 by the I.G. Farbenindustrie Aktiengesellschaft. In 1928 I became Geheimrat Schmitz' secretary.

In the course of my work in Geheimrat Schmitz' office the entire correspondence, with very rare exceptions, and even then not on purpose, went through my hands, as well as all official documents, including minutes of conferences.

After giving this matter the most careful consideration I cannot remember that among these documents there were ever any minutes on construction conferences at Auschwitz. I am therefore able to say that Geheimrat Schmitz in all probability never once

received such a record; I am quite certain that he did not receive such records frequently, and never regularly.

In this connection I should like to clarify the following: The volume of the correspondence and reports, records and such like sent to Geheimrat Schmitz for information was so great - although it had decreased during the last few years, especially since he came to Heidelberg - that it was quite impossible for Geheimrat Schmitz always to read through from beginning to end all the documents which were sent to him. When perusing these documents he therefore restricted himself to reading only those parts which concerned his particular sphere of work or which he had to know about for his general information. I conclude that this was so from the fact that often, after having given him very comprehensive documents, I received part of them back, initialed by him so quickly that it would not have been possible for him to read these documents from beginning to end. It also happened that incoming documents were forwarded to individual members of the I.C. in Berlin NW 7, who in turn worked on them and prepared merely a short note or an excerpt for Geheimrat Schmitz, which contained in a concentrated form what was essential for his particular work. In such cases I received the

Schmitz-No.: 59

Exhibit-No.: ...

documents back after a short time with his comment noted on the excerpt.

Heidelberg, 9 November 1947

signed: Paula Ester
PAULA ESTER

I herewith certify that the above signature is that of Fraeulein Paula Ester, Heidelberg, Schloss-Volfesbrunnenweg 33a, and was made today before me, Hans Gierlich, Deputy Defense Counsel before the American Military Tribunal in Nurnberg.

Heidelberg, 9 November 1947

signed: Hans Gierlich
HANS GIERLICH

Schnitz No.: 60

Exhibit No.:

Affidavit

I, Paula Ester, residing at Heidelberg, Schloss-Wolfsbrunnenweg 33a, am aware that I shall be liable to punishment for making a false statement. I herewith declare under oath that the following statement is true and was made to the best of my knowledge and belief in order to be submitted as evidence to the American Military Tribunal in Nurnberg, Case 6 (I.G. Farbenindustrie Aktiengesellschaft

From 1918 I was first employed by the Badische Anilin- & Soda-Fabrik, Ludwigshafen/Rhine, and from 1925 until the German collapse in May 1945 by the I.G. Farbenindustrie Aktiengesellschaft. In 1928 I became Geheimrat Schnitz' secretary.

In regard to the letters of congratulation sent to Geheimrat Schnitz on the occasion of his 60th birthday I can state the following: Among the hundreds of letters from all circles of public, economic, and cultural life, from I.G. circles as well as from abroad - as far as I remember there must have been between 4-500 letters and telegrams - congratulations from leading Nazi Party personalities comprised only a small number. I believe there were between 20-30. As far as I remember there were letters or telegrams of congratulation from all ministers at that time, with the exception of two. Whether Himmler was one of the two who had not written I cannot say with certainty. But I should like to emphasize that, as far as I know, no

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letter of congratulation from Himmler was removed from the documents. I should also like to state in this connection that at the time a list of all congratulators was compiled and this should be among the documents which in May 1945 were handed over to the Allied officers. On the basis of this document it should be easy to determine whether a letter of congratulation from Himmler was or was not received.

Heidelberg, 30 December 1947.

signed: Paula Ester

Certificate.

I herewith publicly certify that the above signature is that of Fraulein Paula Ester, secretary in Heidelberg, Schloß-Wolfesbrunnengasse 33a, identified through identity card.

Heidelberg, 31 December 1947

Notary's Office Heidelberg IV:

Justizrat

signed: Signature

Notary

Value: RM. 1000.—
Par. 39 KO RM. 2.—

Schmitz-No.: 51

Exhibit-No.:

Affidavit

I, Paula Ester, residing at Heidelberg, Schloss-Wolfsbrunnenweg 33a, am aware that I shall be liable to punishment for making a false statement. I herewith declare under oath that the following statement is true and was made to the best of my knowledge and belief in order to be submitted as evidence to the American Military Tribunal in Nuernberg, Case 6, (I.G. Farbenindustrie Aktiengesellschaft).

From 1918 I was first employed by the Badische Anilin- & Soda-Fabrik, Ludwigshafen/Rhine, and from 1926 until the German collapse in May 1945 by the I.G. Farbenindustrie Aktiengesellschaft. In 1928 I became Geheimrat Schmitz' secretary.

In my affidavit dated 15 February 1947 given to the Prosecution, in which I gave information in regard to the career of Geheimrat Schmitz I mentioned under (15) that in 1938 Geheimrat Schmitz became Military Economy Leader (Wehrwirtschaftsfuehrer) and member of the Military Economy Council (Wehrwirtschaftsrat). This affidavit was based on the written statements made by me on 24 January 1947 on the career of Geheimrat Schmitz, to which I added a supplementary statement on 12 February 1947 containing the following with reference to (15):

Schmitz-No.: 61

Exhibit-No.:

"The statement

- 1938 Military Economy Leader and Member of the Military
Economy Council -

was taken from a typed list of members, dated 2 February 1938
without quoting the source of information. There is no con-
firmation of this membership (document or acknowledgment of
receipt of such document)".

To supplement this I should like to state that I do not know that
a Military Economy Council existed in Germany and that Geheimrat
Schmitz was appointed one of its members. I therefore assume that
in this notice, which might possibly be a copy of a publication by
the press, an inaccurate expression was used and that what was meant
was that he had been appointed Military Economy Leader, especially,
since the same year was quoted in both cases.

Heidelberg, 9 November 1947

signed: Paula Ester
PAULA ESTER

I herewith certify that the above signature is that of Fraulein
Paula Ester, Heidelberg, Schloss-Wolfesbrunnengasse 33a, and was made
today before me, Hanns Gierlichs, Deputy Defense Counsel before the
American Military Tribunal in Nurnberg.

Heidelberg, 9 November 1947

signed: Hanns Gierlichs
HANNS GIERLICH

Schmitz-No.: 62

Exhibit-No.:

Heidelberg Town Council

To
Attorney Hanna Harlich
Behringersdorf b. Ruernberg
Kurhotel

19 November 1947
Municipal Office
Finance Management

With reference to your visit of the 8th of this month, we are sending you the text of the letter sent by Herr Hermann Schmitz, Berlin NW 7, Unter den Linden 78, to the Oberbuergermeister of Heidelberg on 31 December 1940.

"Dear Herr Oberbuergermeister,

On the occasion of my 60th birthday I have instituted through the Deutsche Leanderbank A.G., Berlin NW 7, Unter den Linden 78,

a 'Geheirat Dr. Hermann Schmitz Foundation,
Heidelberg',

with

nom. value RM. 20,000.- 5% Braunkohle-Penzin A.G. loan, the proceeds of which will be remitted to you every year for charitable purposes, to wit, for the support of dependants of soldiers killed in action who are in specially needy circumstances, in particular of widows who have lost their sons.

With best wishes for the New Year

Heil Hitler !

H. Schmitz"

According to the Oberbuergermeister of Heidelberg's letter of 17 January 1941, to the

District Commissioner of Mannheim, the latter was notified according to Para. 13 of the General Executive Decree (Ausführungsverordnung) of 11 November 1896, or Para. 3 (2) of the Executive Decree (Vollzugsverordnung) relative to the Foundation Law of 12 January 1927, and at the same time informed that the above foundation had been accepted as a dependent (fiduciary) foundation and would be administered separately in the Funds Administration Department (Fondakasse).

Permission to accept the gift was given by a letter of the Minister of the Interior in Karlsruhe of 18 February 1941 according to Para. 1, (2) of the Foundation Law, and Para. 3 (1) 2 VVO relative to the Foundation Law of 12 January 1927.

Apart from the above foundation with the nominal value of RM. 20,000.-- there followed additional donations

4% Deutsche Industriebank Loan of 1941	(nom. value)	RM. 14,500.--
I.G. Farben shares	(nom.)	RM. 60,000.--
3½ % German Treasury Bonds of 1942 F.IV, payable 16.11.63	(nom.)	RM. 7,000.--
Ditto of 1944 F.II, payable 16.10.66	(nom.)	RM. 70,100.--
Ditto of 1941 F.V, payable 16.5.62	(nom.)	RM. 55,000.--
4% 1943 Deutsche Gold- und Silber- scheideanstalt RM. Loan	(nom.)	RM. 10,000.--
Total donation:	(nom.)	RM. 236,600.--

Schmitz-No.: 62

Exhibit-No.:

The payments for the purchase of the above items were made by Herr Geheimrat Schmitz personally, or on his injunction through the allocation of funds due to him from companies on whose Aufsichts-rästen he had, according to his own account, worked without remuneration. Further allocations from various firms ensued on the occasion of the 25 year Service Jubilee in 1944.

Permission to accept the above donations was given by the Minister of the Interior at the time.

signed: (Signature)

Schmitz-No.: 63

Exhibit-No.:

The Oberbuergermeister of Ludwigshafen a/Rh.

To
Herr Hanna Gierlich:

Behringersdorf b. Muensterberg
Kurhotel

Your letter	Our reference	Date
of 12-11-47	20; 71/D.	28-11-47

Subject: Geheimrat Dr. Hermann Schmitz Foundation
in Ludwigshafen am Rhein.

On 31 December 1940 Geheimrat Dr. Hermann Schmitz instituted the "Geheimrat Dr. Hermann Schmitz Foundation, Ludwigshafen a/Rhein", with a capital of RM. 20.000. In the course of time, there were added to the foundation, in addition:

- | | |
|--|---------------|
| 1) Allocation by Geheimrat Dr. Schmitz on 31.12.41 | RM. 20,000.- |
| 2) Ditto from uncollected royalties, 31-12-1941 | RM. 7,360.- |
| 3) Allocation from Deutsche Laenderbank A.G., Berlin, in respect of uncollected profits for Aufsichtsrat duties, on 12-8-1942, amounting to | RM. 4,800.- |
| 4) Allocation by Geheimrat Dr. Schmitz on 30-12-1942 | RM. 25,664.05 |
| 5) Donations on the occasion of the 25 year Service Jubilee of Geheimrat Dr. Schmitz on 1-7-1944, after the latter had requested people to refrain from making personal gifts: | |
| a. from the firm of Wolff & Co., in Walsrode | RM. 5,000.- |

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Exhibit-No.:

b. from the A. Liebeck'schen Montanwerken A.G. Halle	RM. 25,000.-
c. from the Deutsche Laenderbank A.G. Berlin	RM. 25,000.-
d. from the Dynamit A.G. formerly Alfred Nobel & Co., Troisdorf	RM. 50,000.-
e. from the firm of Kalle & Co., Wiesbaden-Eiebrich	RM. 5,000.-
f. from the German Celluloid-Fabrik, Eilenburg	RM. 5,000.-

On Geheimerat Dr. Schmitz's instigation, the foundation capital was invested as follows through the Deutsche Laenderbank A.G., Berlin:

5% Braunkohlen- und Brikettwerke A.G. Loer	RM. 20,000.-
Shares in I.G. Farbenindustrie A.G.	RM. 35,000.-
Reich Treasury Bonds	RM. 116,800.-
Total:	RM. 171,800.-

This amount corresponds to the present state of the foundation capital. Photostats of the original foundation document and of the correspondence relating to subsequent donations by Geheimerat Dr. Schmitz are attached.

No doubts have ever arisen here as to the legal position with regard to the foundation capital. The Geheimerat Dr. Hermann Schmitz Foundation is a case of a so-called fiduciary foundation (gift with conditions imposed). The foundation is drawn up in such a way that the capital has been transferred to the town and does not constitute any formally distinct and separate amount. For this reason

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the Deutsche Laenderbank A.G. Berlin, who are responsible for administering the foundation capital, have always undertaken settlement of accounts with the town of Ludwigshafen, just as the latter has verified and confirmed the annual statement on the securities acquired out of the foundation capital.

The Oberbuergermeister

signed. Signature

Schmitz-No.: 63

Exhibit-No.:

Hermann Schmitz

Berlin N.^o. 7
Unter den Linden 78
31 December 1940

Dear Herr Oberbuergermeister,

On the occasion of my 60th birthday I have instituted through the Deutsche Laenderbank A.G., Berlin N.^o. 7, Unter den Linden 78,

a "Gesamrat Dr. Hermann Schmitz Foundation,
Ludwigshafen a/Rh."

with

(nom. value) RM. 20,000.- 5% Rheinische Braunkohle Aktien-
gesellschaft loan,

the proceeds of which will be remitted to you every year for charitable purposes, to wit, for the support of dependants of soldiers killed in action who are in specially needy circumstances, in particular of widows who have lost their sons.

With best wishes for the New Year,

Heil Hitler,

signed: H. Schmitz

Schmitz-No.: 64

Exhibit-No.:

Copy

Hermann Schmitz

Berlin NW 7
Unter den Linden 78
31 December 1940

Dear Herr Oberbürgermeister,

On the occasion of my 60th birthday I have instituted through the Deutsche Laenderbank Aktiengesellschaft, Berlin NW 7, Unter den Linden 78,

a "Geheimrat Dr. Hermann Schmitz Foundation,
Darmstadt,"

with

(nom.) RM. 20,000.- 5% Rheinisch-Westfälische Elektrizitäts-
werke-Aktiengesellschaft loan,

the proceeds of which will be remitted to you every year for charitable purposes, to wit, for the support of the dependants of soldiers killed in action who are in specially needy circumstances, in particular of widows who have lost their sons.

I combine herewith the request that in memory of my brothers Alfred and Otto Schmitz, who fell in the first World War, a wreath be laid every year on their commemorative stone in the churchyard on the day of their death, 23 February 1916, and 4 June 1916.

With best wishes for the New Year,

Heil Hitler!

signed: H. Schmitz

Certified to be a true copy:
Darmstadt, 27 November 1947. The Oberbürgermeister, Accounting Office,
by order, signed: Signature/Town Inspector

Schmitz-No.: 64

Exhibit-No.:

Copy

Hermann Schmitz

Berlin N.W. 7
Unter den Linden 78
31 December 1941

Dear Herr Oberbürgermeister,

With reference to my letter of 31 December last year, I wish to inform you that I have transferred a further

RM. 20,000.-

to the "Geheimrat Dr. Hermann Schmitz Foundation Darmstadt" instituted at that time, this money being for the same purposes. Please treat this allocation confidentially.

I shall invest the amount in I.G. shares.

With best wishes for the New Year,

Hail Hitler!

signed: Hermann Schmitz

To the
Oberbürgermeister of Darmstadt,
Herr HANFOLD,
D a r m s t a d t

Copy certified to agree with the original

Darmstadt, 27 November 1947

The Oberbürgermeister
Accounting Office
By order. Signed: Signature
Town Inspector

Schritts-No.: 64

Exhibit-No.:

Copy

Gehelmerzt Dr. H. Schmitz Foundation.

		<u>as per Records Book</u> (Sachbuch)
Savings Book No. 176540	1,975.76	1,975.76 RM.
<u>4% Rhein. Elekt. Werke Loan</u>		
20 at 1,000.00	Purchase	
nom. value	20,000.00 value	21,296.50 RM.
<u>I.G. Farben Shares</u>		
4 at 1,000.-	4,000.00	7,984.70 RM.
6 at 1,000.-	6,000.00	11,966.85 RM.
5 at 1,000.-	5,000.00	5,004.45 RM.
10 at 1,000	10,000.00	17,606.50 RM.
<u>3 1/2% Reich Treasury Bonds</u> <u>of 42 III</u>		
7 at 1,000.-	7,000.00	6,934.42 RM.
<u>5 1/2% Reich Treasury Bonds</u> <u>of 44 II</u>		
	67,300.00	66,990.15 RM.
<u>4% Debentures of</u> <u>Deutsche Gold-</u> <u>u. Silberscheideanstalt</u> <u>Frankfurt a/Main</u>		
20 at 1,000.-	20,000.00	20,440.40 RM.
Nominal value	141,275.76	Purchase value 160,199.73 RM.

Copy certified to correspond with original.
 Darmstadt, 27 November 1947. The Überbaurgermeister
 Accounting Office
 Signed: Signature
 Town Inspector

SCHMITZ No. 65

Exhibit No.

C o p y

Heidelberg, 8 February 1944

Schloss-Halfesbrunneng 11

Dear Burgomaster,

On 6 August 1943, there died in Wesel at the age of 83 Mrs. Christine von Hallinckrodt, nee Bottger, born on 25 July 1860 at Gut Grensenlust near Wesel. She was the wife of Sanitätsrat Dr. Med. Ernst von Hallinckrodt, born on 21 June 1847 in Wesel, who had practised as an eye-specialist up to the time of his death on 12 November 1908. Of their seven children, born in Wesel, Dr. Erwin von Hallinckrodt is still living there. Together with her brother, Justizrat Dr. Gustav Bottger, who had been an honorary member of the Town Council for many years, Mrs. Christine von Hallinckrodt lived many years on their parental estate Grensenlust, which, on the death of Justizrat Bottger, passed into the possession of her youngest daughter Margarete, who has been married to Geheimrat Dr. h.c. Hermann Schmitz, Heidelberg, since 1927.

The close relations of the family von Hallinckrodt with the town of Wesel, as related above, in conjunction with war conditions induce us to establish a

"Hermann and Margarete Schmitz - von Hallinckrodt-Stiftung" to which the sum of 30.000 RM has so far been donated.

SCHLITZ No. 65

Exhibit No.

This amount is invested in I.G. Farbenindustrie A.G. shares of nominal value 10,000 Reichsmark (actual value 17,000 Reichsmark) and the balance in Treasury bonds of the German Reich. The administration of the property has been taken over by the Deutsche Landesbank A.G., Berlin NW 7, Unter den Linden 78, which will remit to you annual dividends and interest respectively. The proceeds are to be used for the support of needy relatives of persons killed in action or during air raids, particularly of parents who have lost their means of support by the heroic death of their son, provided they have their residence in the town of Wesel or in the communities of Hammeln, Ickhausen and Bruckeln, in the area of which the estate of Grenzenlust is located.

With very best regards

Heil Hitler !

signed: Hermann Schlitz

signed: Margarete Schlitz, nee
von Mallinckrodt

To the Burgo-master
of the Town of Wesel

Wesel a. Rh.

Above is a correct copy.

Wesel, 18 November 1947.

The Town Clerk

signed: Signature.

SCHLITZ No. 66

Exhibit No.

Township of
Kitzbach~~1~~
No. 4382.

Kitzbachel, 4 December 1947.

To
Hans Gierlich
Schröngersdorf b/Neuenberg
Kurhotel

Subject: Geheimrat Dr. Hermann Schlitz Foundation.

Re: Your letter of 13 November 1947.

In reply to your letter, which has only just reached us, we enclose the following documents as requested:

- a) a certificate issued by the Town Administration, confirming the establishment of the Geheimrat Dr. Hermann Schlitz Foundation,
- b) copy of Dr. Schlitz's letter addressed to us on the occasion of the establishment of the Foundation;
- c) copy of a letter of thanks on the same subject addressed to Geheimrat Dr. H. Schlitz by the town of Kitzbachel on 23 August 1943.

We should like to add that Geheimrat Dr. Hermann Schlitz always acted towards the town community as a man who had understanding and an open heart for the troubles of the needy and who contributed much towards their relief. It is our hope that this conduct of his will be taken into consideration in this trial.

SCHMITZ No. 66

Exhibit No.

We are completely aware of the financial side of this Foundation and it is also known to us that the securities on which the foundation is based, i.e. I.G. Farben shares of RM 30,000 nominal value, were originally deposited by the Geheimrat with the Deutsche Landesbank A.G., Berlin NW 7, Unter den Linden, in the name of his Foundation. We thank you for your information that these securities are now being kept by the Deutsche Landesbank, Abwicklungsstelle Frankfurt a.M., c/o Frankfurter Bank, Mainzer Landstrasse. We shall communicate with them by the same mail.

The Burgomaster

signed: Signature

3 enclosures.

SCHNITZ No. 66

Exhibit No.

The Township of
Kitsbuehel

Kitsbuehel, 27 November 1947.

C e r t i f i c a t e .

The Township of Kitsbuehel confirms herewith that

Geheimrat Dr. Hermann S c h n i t z,

residing in Berlin NW 7 - Unter den Linden 78,

established a Foundation in his name, in August 1943,

and notified us by letter of 7 August 1943 that the securities,
forming the basis of this foundation, i.e. I.G. Farben shares,
of nominal value RM 10.000, had been deposited with the Deutsche
Laenderbank A.G., Berlin NW 7. The receipt issued by the above bank
is in our possession.

Enclosed in the above mentioned letter, the Township also received
from Geheimrat Dr. Hermann Schnitz a check for RM 1.000 for special
distribution.

In accordance with the instructions issued by Geheimrat Dr. Hermann
Schnitz, the annual proceeds of his Foundation are to be used for
charitable purposes i.e. for the support of particularly needy
relatives of war dead, especially for the support of widows who
lost their livelihood by the death of their son.

SCHMITZ No. 66

Exhibit No.

The Township of
Kitzbuehel

Kitzbuehel, 27 November 1947.

C e r t i f i c a t e .

The Township of Kitzbuehel confirms herewith that

Gesheirat Dr. Hermann S c h m i t z ,

residing in Berlin NW 7 - Unter den Linden 78,

established a Foundation in his name, in August 1943,

and notified us by letter of 7 August 1943 that the securities,
forming the basis of this foundation, i.e. I.G. Farben shares,
of nominal value RM 10,000, had been deposited with the Deutsche
Landesbank A.G., Berlin NW 7. The receipt issued by the above bank
is in our possession.

Enclosed in the above mentioned letter, the Township also received
from Gesheirat Dr. Hermann Schnitz a check for RM 1,000 for special
distribution.

In accordance with the instructions issued by Gesheirat Dr. Hermann
Schnitz, the annual proceeds of his Foundation are to be used for
charitable purposes i.e. for the support of particularly needy
relatives of our dead, especially for the support of widows who
lost their livelihood by the death of their son.

SCHULTZ No. 66

Exhibit No.

The proceeds of this foundation received by the Township of
Kitzbuehel so far amount to RM 510.-

The Township of
Kitzbuehel

signed: Signature

SCHLITZ No. 66

Exhibit No.

C o p y 1

Hermann Schlitz

Berlin NW 7
Unter den Linden, 78
7 August 1943.

Dear Burgomaster,

I have taken the occasion to establish a

"Gedächtnis Dr. Hermann Schlitz Foundation, Town of
Kitsbuehl",

with the Deutsche Inänderbank Aktiengesellschaft as administrator,
the proceeds on the capital of which are to be remitted annually to
you for charitable purposes i.e. for the support of relatives of
war dead, and particularly for the support of widows who have lost
their livelihood by the heroic death of their son.

The financial means so far assigned to this Foundation have been
invested in I.G. Farbenindustrie shares of RM 10,000 nominal
value.

In view of the fact that the next dividend will not be due before
the middle of 1944, I enclose a check for RM 1000 for special
distribution.

Kindly treat the name of the Foundation confidentially.

With best regards

Enclosure

Heil Hitler !

Registered !

H. Schlitz n.p.

A certified true copy

signed: Signature.

SCHMITZ No. 66

Exhibit No.

Copy 1

Township of Kitzbuehel

Kitzbuehel, 23 August 1943.

To Herrn

Herrmann Schmitz

Berlin NW 7

Unter den Linden 73

Dear Geheimrat ,

It was a great and pleasant surprise for me to receive your letter of the 7th of this month with enclosed check.

I thank you very much indeed for the generous Foundation endowed by you. This Foundation establishes a permanent bond between you and the town of Kitzbuehel.

Your Foundation serves the same purpose as that of your friend Dr. Julius Bueb and will enable us to render extraordinary help to children and needy relatives of war dead.

I have also been requested to express to you the sincere thanks of the Town Council.

Heil Hitler !

Yours truly,

E. Mueller n.p.

A true certified copy
signed: Signature.

Schmitz No. 67

Exhibit No.

Humboldt-School
Essen

Essen-Steele, 2 December 1947
Laurentiusweg 20

E x c e r p t

Herrn
Hans Gierliche
Böhringersdorf bei Muerberg
Kurntel

Subject : Geheimrat Dr. Hermann Schmitz Foundation.
Otto Schmitz Foundation.

In answer to your enquiries of 13 November 1947, I beg
to inform you as follows :

On the occasion of the complete destruction of the Humboldt
School on 5 March 1943, the files concerning the two Schmitz
Foundations were destroyed, together with all other files,
with the result that no documents whatsoever originating from
the time when the foundations were established are available.
However, on the basis of the recollection of all agencies
connected with the foundation, I was able to ascertain that
the foundations were not established as late as during the
war, but some time previously. The Geheimrat Dr. Hermann
Schmitz Foundation was probably established about 1928, with
the provision that the interest would be used for the support
of talented poor students. The initial amount may have been
approximately RM 30,000 and had been repeatedly increased up
to 1938, to the final amount of RM 62,000 (see enclosures 1
and 3). The Otto

Schmitz No. 63

Exhibit No.

Schmitz Foundation was probably established on the occasion of the 75th anniversary of the school, namely at Easter 1939, with a capital of RM 22,500 (see enclosures 2 and 4). The interest is to be used for the support of needy college students who had formerly been students of the school.

Yours very truly,

signed : Kindgen
Oberstudiendirektor

4 enclosures.

Schmitz No. 67

Exhibit No.

Enclosure 3

C o p y

Deutsche Landerbank Aktiengesellschaft

Berlin NW 7, 2 August 1943
Unter den Linden 78

Secretariat
Ph./Ms 773

To the
Herrn Direktor of the Humboldt-Oberschule Essen
Ausweichstelle Hohenzollernstrasse 13

Subject : Geheimrat Dr. Hermann Schmitz Foundation established
for the Humboldt-School.

We received from the Heydt-Kentor G.m.b.H., Berlin, for your
account

RM 20,600.- IG Farbenindustrie shares and dividends 1942 at par.

RM 12,000.- 12 1/2 Ser. 4, 6, 12. 10 Rhein. Westfaelische Baden
Credit Gold Mortgage Bonds at par.

RM 10,500.- 4 1/2 % Preussische Central Baden Credit Gold Debentures
of 24 at par.

RM 9,300.- 4 1/2 % Issued 28 Deutsche Central Baden Credit Debentures
at par.

RM 9,600.- 4 % Deutsche Reichsbahn Loan of 1940 at par,

for which we have credited you on the Secretariat-Streifband-Deposit
The record of numbers furnished by the Heydt-Kentor G.m.b.H. still
applies.

In accordance with the instructions issued by the Heydt-Kentor
G.m.b.H., we are entrusted with the administration during the liqui-
dation of the above firm. We shall remit the

Schmitz No. 67

Exhibit No.

proceeds from the securities in each instance, as they mature, to your checking account No. 3232 with the Staedtische Sparkasse, Essen, as instructed.

We, have, therefore, remitted to the above named Bank the 6% dividend for 1942, due today on I.G. Farbenindustrie shares of RM 20,600 nominal value.

	RM 1,236.-
less capital proceeds tax	RM 185.40
	RM 1,050.60.

Heil Hitler !

Deutsche Laenderbank Aktiengesellschaft

signed : Signatures.

It is hereby certified that this is a true copy.

Essen, 24 November 1947.

signed : Kindgen
Oberstudiendirektor

Schmitz No. 67

Exhibit No.

Enclosure 4

C o p y

Deutsche Laenderbank Aktiengesellschaft

Berlin NW 7, 2 August 1943
Unter den Linden 78

Secretariat,
No. 755

To the
Herr Director of the Humboldt Oberschule
E s s e n
Ausweichstelle Hohenzollernstr. 13

Subject : Otto Schmitz Foundation

We have received from the Heydt-Kentor G.m.b.H., Berlin
for your account

RM 22,500 at par. I.G. Farbenindustrie shares and dividends
for 1942 for which we have credited you on the Secretariat-
Streifband Deposit. The record of numbers furnished by the
Heydt-Kentor G.m.b.H. still applies.

In accordance with the instructions issued by the Heydt-Kentor
G.m.b.H., we are entrusted with the administration during the
liquidation of the above firm. We shall remit proceeds from
securities in each instance as they mature, to the account
"Dr. Trisloff for Schmitz-Foundation of the Humboldtschule"
No. 70224 of the Deutsche Bank, Essen.

Schmitz No. 67

Exhibit No.

We have therefore, remitted to the above named bank the
6% dividend for 1942 due today on I.G. Farbenindustrie shares
of RM 22,500.- nominal value

less capital proceeds tax

RM 1,350.-
RM 202,50
<u>RM 1,147,50</u>

Heil Hitler !

DEUTSCHE LAENDERBANK AKTIEGESELLSCHAFT

signed (signatures)

It is hereby certified that this is a true copy.

Essen, 24 November 1947

signed : Kindgen

Oberstudienleiter

Schmitz Nr. 67

Exhibit No.

Reproduced Copy

I.G. Farbenindustrie-
Aktiengesellschaft
Directorate
Geheimrat Dr. H. Schmitz

Berlin NW 7
Unter den Linden 78
7 October 1929

Confidential I

To the
Herr Director of the Humboldt-Oberrealschule Essen-Ruhr.

Memories of my schooldays spent with you created in me some
time ago a desire which I should like to realize today by the
endowment of a Foundation, for a scholarship or for the support
of needy students.

- 1) The Foundation is to be called
"the Geheimrat Dr. Hermann Schmitz Foundation"
- 2) The Foundation capital amounts to Gold Marks 30,000.-
- 3) The capital is to be invested in gold securities, the
administration of which will be taken over by the Roydt-
Kontor G.m.b.H., Berlin NW 7, Unter den Linden 78, until
further notice. The interest on this amount may be with-
drawn in the course of the year as required.

Schmitz No. 67

Exhibit No.

Kindly give my best regards to my headmaster, Herr
Heinzerling, who is still living in Essen.

Yours very truly,
signed : H. Schmitz

It is hereby certified that this is a true copy.
Essen, 1 December 1947

signed : Kindgen
Oberstudiendirektor.

Schmitz No. 67

Exhibit No.

I.G. Farbenindustrie
Aktiengesellschaft
Directorate

Berlin NW 7
Unter den Linden 78
5 December 1929

To Herr
Oberstudiendirektor Dr. Schmedding
Essen-Fuhr
Steelestrasse 31

Dear Oberstudiendirektor,

Upon my recent return from my journey, I received your kind letters of 8 October and 30 November last, for which please accept my best thanks. I should like to add the following to the various points :

The interest on the Foundation is to be used for a scholarship or for the support of needy students. However, I should like to except former pupils from benefit for the advancement of their studies.

I agree that the distribution of the proceeds be carried out by the teaching staff. I assume that in cases of doubt the chairman or headmaster will make the decision.

Schmitz No. 67

Exhibit No.

Kindly refrain from publicising my name. It will suffice to indicate a "former pupil" as being the donor.

I, too, should be pleased to make your personal acquaintance, and trust to have the opportunity of doing so on the occasion of my next visit to Essen.

In the meantime, I remain,

Yours very truly,

signed : H. Schmitz

It is hereby certified that this is a true copy.

signed : Kindgen

Oberstudiendirektor

SCHLITZ No. 68

Exhibit No.

Liebig-Realgymnasium

Darmstadt, 26 December 1947

D a r m s t a d t

Lagerhausstrasse 3

No. 1198

Reference Letter of 21 December 1947 .

Subject: Alfred SCHLITZ Endowment and Otto SCHLITZ Scholarship.

Herr

Hanns Gierlich

Behringersdorf near Haerberg

In memory of his brother Alfred, who was killed in action in World War I, Herr Geheimrat Dr. H. SCHLITZ on 26 April 1928 put at the disposal of the then Liebig-Oberrealschule at Darmstadt

Gold Marks 5,000.— Gold Security Bonds (Goldpfandbriefe) as the "Alfred Schlitz Stiftung". The interest was to be used for granting a scholarship to a deserving student, the remainder to be used to aid needy students.

The donation of Gold Marks 5,000.— (nominal value) 7 % Deutsche Reichsbahn preference shares which was made in memory of his brother Otto, who also died in action in the World War, was for the same purpose. The request of the school to be permitted to make the two endowments publicly known met with the categorical refusal of Herr Geheimrat SCHLITZ on 29 January 1938.

On 28 October 1939 both endowments were raised to the nominal value of RM 15,000.— each

SCHLITZ No. 68

Exhibit No.

by the transfer of

RM 20,000.— (nominal value) 6 % I.G. Farbenindustrie Debentures
to the Heydtkontor G.m.b.H. in Berlin.

It was Herr Geheimrat SCHLITZ' wish that this new endowment, too,
should be treated strictly confidentially.

On 5 January 1942 he donated a further amount of RM 5,000.— to the
"Alfred Schmitz Stiftung" so that at the time of the collapse the
funds of both endowments amounted to:

Alfred Schmitz Stiftung	RM 10,000.—
Otto Schmitz Stiftung	RM 12,000.—

Darmstadt, 25 December 1947

Board of the Liebig Realgymnasium

signed: Dr. RUSCH

SCHLITZ No. 68

Exhibit No.

Liebig-Realgymnasium

Darmstadt

Lico No. 1196

Darmstadt, 2 January 1948
Lagerhausstrasse 3

Reference Your Telegram of 30 December 1947

Subject: Alfred SCHLITZ Endowment and Otto SCHLITZ Scholarship .

Herr

Hanns Gierliche

Behringersdorf b/Nuernberg

Kurhotel.

I heroby correct the statement made in my letter of 26 December 1947 concerning the total amount of the two endowments mentioned above. The total of the nominal value of the securities should read

RM 35.000.— and not RM 30.000.—

Darmstadt, 2 January 1948

Board of the Liebig-Realgymnasium

signed: Dr. RAUSCH

STAMP:

The Board of the

Liebig-Realgymnasium
Darmstadt

SCHLITZ No. 69

Exhibit No.

Friedrichstift
(Melanchthon-Schuelerheim)
Heidelberg, Bergstrasse 106/108

Copy of the Deed of Endowment.

Heidelberg, 5 October 1929.

Confidential.

To the

Friedrichstift Heidelberg
Attention: Pastor H. Lamp

On the occasion of the tenth anniversary of your foundation I hereby
donate an

"Otto-Schlitz-Endowment"

to the memory of my brother Otto who died in action on 4 June 1916
near Verdun.

The interest on the endowment of RM 20,000.— which is to be invested
in gold securities, shall be used for Otto-Schlitz-Scholarships for
needy pupils, but only for deserving cases.

All holders of the Otto-Schlitz-Scholarship shall on 4 June of every
year place a wreath on his memorial stone in the Gelfriedhof in
Darmstadt.

Yours very truly,
signed: Dr. H. SCHLITZ

It is hereby certified that the above is a true copy of the deed

SCHWITZ No. 69

Exhibit No.

Heidelberg, 15 December 1947.

The Protestant Pastorate
Heidelberg - Handschuhsheim
signed: HEIFER, Pastor

SCHMITZ No. 69

Exhibit No.

Friedrichstift
(Kellnerthor-Schuelerheim)
Heidelberg, Bergstrasse 106-108

C o p y

Geheimrat Dr. P. Schmitz

Berlin, 5 October 1929

To the
Friedrichstift Heidelberg
Attention: Pastor Hrn. KLEFF

Heidelberg
Bergstrasse 106

Further to my letter of the 4th of this month I inform you that
I have commissioned the Hoydt-Kontor G.m.b.H., Unter den Linden 78,
Berlin, to invest the amount of

RM 20,000.-

in good gold securities and to administer this account for you until
further notice. You can have the interest transferred to you from the
Hoydt-Kontor G.m.b.H. to be used in accordance with the purpose of
the endowment.

Should for any reason the Hoydt-Kontor G.m.b.H. be dissolved the
administration will be transferred to the Deutsche Landesbank A.G.
or any other banking house to be nominated by Hoydt-Kontor G.m.b.H. ;
and it has likewise been arranged that the same will apply, should
the Friedrichstift be dissolved.

SCHITZ No. 69

Exhibit No.

In that event, I should like to make the stipulation that Heidelberg University shall have the right to take over the endowment, the condition being that the interest shall be used for needy pupils.

Yours very truly,
signed: Dr. H. SCHITZ

It is hereby certified that the above is a true copy of the original.

Heidelberg, 15 December 1947.

The Protestant Pastorate
Heidelberg - Handschuhsheim
signed: HÖFFER, Pastor

SCHMITZ No. 70
Exh. No.....

Badische Anilin- und Soda-Fabrik
(I.G. Farbenindustrie Aktiengesellschaft)

In Dissolution
(Law No. 9 30/11/45)

To:
Dr. Hanna GIMMIGES, Attorney-at-Law
at present in Muenchen

In dissolution
(Law No 9 30/11/45)

Our Ref.
Social Welfare Department Ref.
St.
(Abt. Soz. Betr. St.)

Ludwigshafen on Rhine
29 December 1947/Sch.

Subject:

Hermann und Margarete
SCHMITZ-Stiftung G.m.b.H.

The Hermann und Margarete SCHMITZ Stiftung G.m.b.H. was founded on 16 December 1940. The purpose of the Company was to assist persons who were or had been members of the staff of I.G. Farbenindustrie Aktiengesellschaft and of those of its daughter companies, in which I.G. owned a 100 % interest. Assistance was to be given to persons eligible to benefit from the fund should such assistance be required, during the pregnancy and confinement of their wives.

On 30 September 1947, the funds of the endowment amounted to

DM 250,546.73

Herr Geheimrat Dr. SCHMITZ made the following donations to this fund:

on 31 December 1937
" 19 December 1940
" 31 December 1941

DM	90	204,94
"	42	474,25
"	4	407,15
DM	137	086,34

SCHMITZ No. 70
Exh. No.....

We enclose the Deeds of Partnership of the above mentioned
fund.

BADISCHE ANILIN - und Soda - FABRIK

Signed. Signature Signed. Signature

Enclosure -

Deeds of Partnership

of the

Herrmann und Margareta SCHMITZ Stiftung

Gesellschaft mit Beschränkter Haftung

Article 1.

The Firm I.G. Farbenindustrie Aktiengesellschaft Frankfurt on Main and the Ammonitwerk Morsburg Gesellschaft mit Beschränkter Haftung, Morsburg shall found a Gesellschaft mit beschränkter Haftung bearing the title

Herrmann- und Margareta-SCHMITZ-Stiftung

Gesellschaft mit beschränkter Haftung

(hereinafter called "the Company").

The head office of the Company shall be at Ludwigshafen on Rhine.

Article 2.

The Company shall be a relief fund within the meaning of Article 15 of the First Corporation Tax Implementation Decree dated 6 February 1935; the purpose of the enterprise shall be to render assistance to the present or former members of the staff of I.G. Farbenindustrie Aktiengesellschaft and those of its daughter companies in which I.G. Farbenindustrie Aktiengesellschaft owns a 100% interest.

Assistance shall be given to persons eligible to benefit from the fund, should such assistance be required, during the pregnancy and confinement of their wives.

The present assets and the ^{future} receipts of the fund shall be used exclusively and directly for the fulfilment of the above-mentioned purpose.

The staffs of the enterprises named in Article 1 above shall not be obliged to make either regular or occasional contributions to the fund.

The beneficiaries shall have no legal claim to assistance as mentioned in Article 1. Payments shall in no sense create a legal precedence

and the business management shall reserve full right to reduce or discontinue payments at any given time in any given case. Even repeated or regular payment of relief money from the fund shall not constitute legal justification for a claim on the part of the beneficiary against either the Company or the enterprises named in Article 1. The attention of the beneficiary shall be expressly drawn, at the time of payment by the Company, to the fact that he has no legal claim against the Company.

Each beneficiary shall give to the Company a written statement to the effect that he is aware of the voluntary nature of the payments; the certificate shall also state that the beneficiary is in agreement with the exclusion of all legal claims.

Article 3

The business year shall be the calendar year. The beginning of the first business year shall coincide with the registration of the Company, and the year shall end on 31 December 1941.

Article 4

The capital stock of the Company shall amount to RM 20,000.—. To this capital stock, the partners shall be called upon to contribute the following amounts:

I.G. Farbenindustrie Aktiengesellschaft Frankfurt on Main	RM 10,000.—
Ammonwerke Merseburg Gesellschaft mit beschränkter Haftung, Merseburg.	RM 10,000.—

Each RM 1,000.— shall carry with it one vote.

Only with the consent of all partners shall it be permissible, for a partner to dispose of all or a proportion of his shares in the Company.

Article 5

The executive bodies of the Company shall be:

the Business Managers
the Meeting of Partners

Article 6

The appointment and withdrawal from office of the business managers shall be the responsibility of the meeting of partners. The Company shall be represented by two business managers or, should Prokuristen be appointed, by one business manager and one Prokurist or by two Prokuristen.

The following procedure shall be followed in the signing of documents: the person signing the document shall add his signature to the title of the firm which appears on the document either in manuscript or in stamp-form,

the Prokurist giving, in addition to his signature, some indication of his powers of Procura.

The regulations governing the business managers shall apply to the business managers' deputies.

Article 7

The business managers shall undertake to obey the instructions on the management of the Company given them by meetings of the partners.

Article 8

Resolutions of the partners may become valid by letter, provided that such a method is not prescribed by regulations stipulating the presence of a Judge or Notary Public.

Resolutions affecting the statutes of the Company, in so far as the time of the enterprise, as laid down in Article 2, and the disposal of funds in case of dissolution of the Company (Article 10), are concerned, are to be communicated, before they become valid, to the appropriate Finance Office.

Article 9

The meeting of partners shall appoint an Advisory Council consisting of at least three persons to assist in the handling of incoming contributions to the funds of the Company.

Those persons primarily eligible for appointment to the Advisory Council are members of the Confidential Board of the Ludwigshafen, Oppau Works of I.G. Farbenindustrie Aktiengesellschaft. Appointments made by the meeting of partners on the basis of suggestions made by the Betriebsführer of the Ludwigshafen/Oppau Works of the I.G. Farbenindustrie Aktiengesellschaft after discussion at a meeting of the Confidential Board.

Article 10

In the event of the dissolution of the Company, there shall be no question of distributing the assets of the Company among the partners; all or a proportion of the assets shall rather be:

- a) distributed to foundations, particularly pension and assistance schemes of the enterprises named in Article 1, in accordance with a plan to be drawn up by the Business Management in conjunction with the Advisory Council or
- b) used for charitable purposes within the meaning of Articles 17 and 18 of the Tax Adaptation Act (StAnpG).

SCHMITZ No 70
Exh. No.....

The consent of the appropriate Finance Office to the distribution of the funds of the Company in accordance with Article 2 is to be obtained.

Article 11

Company notices shall be published in the Deutscher Reichsanzeiger.

SCHMITZ No. 71

Krh. No.....

Rheinische Stahlwerke

Essen, 30 December 1947

Department of the General Secretariat

Subject: "Geheimrat Dr. Hermann SCHMITZ-Stiftung"

To: Herr Hanns GIEBLICH
(13a) Behringensdorf near
Munsterberg
Kurbad

With reference to the subject dealt with in your esteemed letter of the 21st. instant, we should like to communicate to you the following information:

On 1 July 1941, Geheimrat Dr. Hermann SCHMITZ of Heidelberg, Chairman of our Aufsichtsrat, celebrated the twenty-fifth anniversary of his entry into the service of I.G. Farben. On this occasion, a fund bearing the name of "Hermann SCHMITZ-Stiftung" was established. The capital of the fund was fixed at RM 200,000.- of which RM 120,025.61 consisted of dividends for the years 1910/1911 to 1943/1944 which Geheimrat Dr. SCHMITZ had not claimed, and which were used as foundation capital of the fund. Geheimrat SCHMITZ made no other direct contributions to the fund. No decisions had at that time been taken as to the name of the fund.

We hope that the above information will be of use to you, and sign herewith

Stempel: Rheinische Stahlwerke

Signed: Signature Signed: Signature

SCHMITZ No.
Exh. No.

CERTIFICATE OF TRANSLATION

No,

Victoria ORTON, ETO No. 20139
Arthur MACHAMARA, Civ. No. 20191
A. MARTIN, ETO No. 20144
Leonard J. LAWRENCE, ETO No. 20138
Brigitte TUNE, ETO No. 35130
Phyllis RAY, ETO No. 36287
Julius J. STEUER, AGO No. A 442654
Beryl C. BESWICK, AGO No. D 427459

hereby certify, that we are duly appointed translators
for the German and English languages and that the above is a true
and correct translation of the Document Book No. 4 SCHMITZ.

Victoria ORTON
ETO No. 20139
pp. 83 - 89.

Arthur MACHAMARA
Civ. No. 20191
pp. I - VI.

A. MARTIN
ETO No. 20144
pp. 1 - 19
and 36 - 45.

Leonard J. LAWRENCE
ETO No. 20138
pp. 20 - 35.

Brigitte TUNE
ETO No. 35130
pp. 46 - 51

Phyllis RAY
ETO No. 36287
pp. 55 - 64

Julius J. STEUER
AGO No. A 442654
pp. 66 - 82

Beryl C. BESWICK
AGO No. D 427459
pp. 90 - 96

Case 6
Defense

TRANSLATION OF DOCUMENT BOOK V SCHMITZ
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Document Book

SCHMITZ

Book V

(Doc. 72 - 100)

page 1 - 101

Presented by Defense Counsel

Dr. Rudolf Dix

Long



Table of Contents

for Document Book V

documents 72 - 100 page 1 - 101

Doc. No.	Exh. No.	Description of document	page
72		<p>Affidavit dated 14 March 1948 of Hermann J. Abs, member of the Vorstand of the Deutsche Bank since 1937, since 1940 member of the Aufsichtsrat of I.G. Farbenindustrie. The witness mentions the financial policies of the I.G. for which Geheimrat Schmitz was responsible, the worries Geheimrat Schmitz had about the size of the concern and the steps he considered to bring about a change in the capital structure of the firm as well as far-reaching decentralization attended by independent responsibility on the part of the local managements. He reports that in this endeavor Geheimrat Schmitz always kept the interests and protection of the far more than 300,000 I.G. stock holders in the fore in a very responsible manner.</p> <p>He describes the reputation of the I.G. in other countries, which the I.G. always considered it very important to maintain and increase, and tells about the desires of foreign bank creditors, which they repeatedly expressed to him, to transfer their moratorium demands to the I.G., whose "second to none" reputation, credit rating and export business surpassed all of the other German firms, and whose contract faithfulness and fairness were known to all.</p> <p>"It was just this international position that made I.G. Farben, as well as other German firms, suspicious to those in charge of the Third Reich, even more than did the dislike which resulted from its great economic weight and its powerful position, especially since the I.G. attempted to keep itself clear of Party influence."</p>	1

Doc. No.	Exh. No.	Description of Document	Page
72 (contd.)		<p>In this connection the witness reports on the successful efforts of Geheimrat Schmitz not to place any outspoken Party members in administrative positions of the I.G. and to keep the I.G. out of politics. He mentions "its attitude towards the Jewish members of the Aufsichtsrat".</p> <p>The witness continues:</p> <p>"Such a man as Geheimrat Schmitz, who did not belong to the Party, who had farreaching personal and commercial contacts in other countries, had to expect constant trouble from the Party, which was a danger that, when you consider his caution and prudence, yes, even timidity in the interest of the company, the general economic importance of the I.G., the large number of workers, clerks and colleagues for whose welfare he cared so much, and finally the I.G. stock holders, might have induced him not to evade certain honors, such as for instance the appointment to the Reichstag."</p> <p>"I believe I can state from my own experience that the international relations of a German in an important economic position was a source of constant danger and being watched."...."</p> <p>"Although both Geheimrat Schmitz and I were members of the Committee for Financial matters of the Deutsche Reichsbank, I did not have the opportunity to observe Geheimrat Schmitz' attitude since this committee, which was created in the spring of 1939, conforming with its lack of influence, never met. The general Advisory Council (Beirat), like the other committees, was not a board that could have exerted influence on the formation of the policies of the issuing bank. It had a certain braking action, which should not be overestimated, but which most nearly describes it."</p>	

Doc. No.	Exh. No.	Description of Document	Page
73		<p>Affidavit dated 21 March, 1948 of Dr. med. Heinrich Singer, who knows Geheimrat Schmitz since 1933 personally and became the successor to Schmitz' Jewish family doctor, Dr. Bloch of Berlin, when the latter went into exile.</p> <p>The witness reports on the outspoken confidential relationship that developed between himself and Schmitz and which induced Schmitz to give him an insight, in numerous confidential talks, into the inner workings of his mind.</p> <p>"He (Schmitz) strengthened (in these talks) my conviction, which was drawn from the knowledge of his career, that Hitler's emotional conception and measures were diametrically contrary to his principles and ideas and caused in him a moral revolution. Rarely have I seen a person in such a shaken state of mind as Herr Schmitz was on the morning following the burning of the Jewish synagogues in November 1938."</p> <p>The witness describes the careful and thoroughly deliberate manner of Geheimrat Schmitz and continues: "This fundamental attitude makes it conceivable that he also considered it important, prior to making his own decision, to make himself familiar with the views taken by others, which he considered particularly important in the event that those views originated from persons whom he appreciated as human beings or esteemed as friends. He was indeed deterred to any impulsive formation of judgement and expression of opinion."</p> <p>The witness explains the reasons why Schmitz, in apparent contradiction to his basic attitude, established a certain external connection with the National Socialist regime, and why he could not sever this connection, in the light of later events, because of the protection he owed to the important interests entrusted to him and also for his own personal protection.</p>	13

DOCUMENT BOOK 5 SCHMITZ

Doc. No.	Exh. No.	Description of Document	Page
73 (contd.)		As a doctor he established that in the spring of 1944, as a result of these inner conflicts, Schmitz developed symptoms of a sickness due to fear of persecution, which also was influenced and worsened by an organic ailment, namely arterial sclerosis.	
74		Affidavit of Wilhelm v. Fluegge dated 16 March 1948. 20 The witness, who has been well acquainted with Schmitz since the 1st World War, describes his inner readiness to allow other dominating persons with more pronounced wills to influence his thinking and actions. People who strongly influenced his ideas and actions in this way were his earlier boss, the Jew and later emigrant, Richard Merten, the Social Democratic State Secretary Richard von Meißendorff, Geheimrat Bosch and Professor Narmbold; these were all decided foes of the National Socialist regime.	
75		Affidavit of Professor Hermann Hammel, until 1935 a member of the Aufsichtsrat of the I.G. and a close, personal friend of Geheimrat Bosch. The witness tells about the help granted him by Bosch and Schmitz when he left Germany and confirms the relationship of mutual trust between the two men. "Insofar as the personality of Herr Schmitz is concerned I recognize his special talent in several fields, but he was lacking in political judgement.	24

Doc. No.	Exh. No.	Description of Document	Page
76		Affidavit of Attorney Friedrich Silcher, until 1945 chief of the legal department of the I.G. Berlin NW 7, dated 2 April 1948. The witness describes a characteristic occurrence pertaining to Geheimrat Schmitz' attitude toward the Jewish question.	26
77		Excerpts from the minutes of the Vorstand meetings of the I.G. on 21 Oct. 1938, 18 Nov. 1938, 16 Dec. 1938, 26 Jan. 1939, 28 Feb. 1939, 1 June 1939 and 8 Aug. 1939. All of the excerpts from the records show that particularly at this time Geheimrat Schmitz repeatedly emphasized the necessity for strict economy and caution in regard to new investments, so that, as a result, the Technical Committee, in carrying out these basic principles, strove to keep the investments of the I.G. as low as possible.	28
78		Copy of a letter of Dr. Walter Hoyer, until 1945 head of the Office of the Central Committee of the I.G. in Frankfurt on the Main, to Geheimrat Schmitz, dated 23 Oct. 1936. The letter shows that the Chief of the N.S. Public Welfare Organization (NSV), Hilgenfeldt, criticized the I.G. contribution to the Winter Aid as being not in proportion to its size, and pointed to the relatively larger contributions of the rest of the German industries.	35
79		Affidavit of Hermann Baessler dated 17 March 1948, which shows that the files to show the contributions made by the I.G. in the fall of 1938 to the Sudeten German Welfare Organization are no longer on hand at the document center in Griesheim.	37

DOCUMENT BOOK 5 SCHMITZ

Doc. No.	Exh. No.	Description of Document	Page
80		Affidavit of Dr. Walter Hoyer dated 24 March concerning the formation of the central charitable agency of I.G. The witness confirms that such contributions were not made on the initiative of the I.G., but went back to corresponding demands from official, state or Party agencies.	39
81		Affidavit of Paula Ester dated 30 March 1948 concerning the origin of the so-called central agency for I.G. contributions. The witness confirms the accuracy of the affidavit by Dr. Walter Hoyer on 24 March 1948 to the same question.	42
82		Affidavit of Dr. Henning van Wyck-Diets dated 4 April 1948, which shows that in the summer and fall of 1938 collections were made in all parts of the Reich territory for the Sudeten-German refugees, and that the NSV installed separate bank or postal accounts for this purpose, to which such payments had to be made.	44
83		Excerpt from a file note of Dr. v. Hofacker dated 8 August 1938, concerning the collection of the NSV initiated at that time under the slogan "Special Aid for the Starving Austrians". The excerpt proves that the industry was given, in regard to such demands for contributions, from the official agencies a detailed and convincing picture of the necessity for the contributions demanded and how they would be used.	47

Doc. No.	Exh. No.	Description of Document	Page
84		<p>Affidavit of Dr. Gustav Pistor dated 24 March 1948 to Prosecution Document NI-8317, and affidavit of Dr. Ernst Struss dated 2 June 1947, in so far as Geheimrat Schmitz is mentioned therein. The witness disputes the accuracy of Herr Struss' statement, according to which Geheimrat Schmitz is supposed to have given him, Dr. Pistor, a kind of blank authorization to continue the negotiations over the erection of the magnesium plant in Aken.</p> <p>"Geheimrat Schmitz, who directed the financial affairs of the I.G., would never have had any authority to make such a general decision. But besides that, I remember exactly that Herr Schmitz held a very cautious attitude toward the field of magnesium and its alloys, since its development had required an unusually high outlay in costs, and also displayed this caution toward the new project...."</p>	49
85		<p>Affidavit dated 17 March 1948 of Hermann Baessler, until 1945 on the Becevorstand of the Central Committee of the I.G. Farbenindustrie A.G., Frankfurt on the Main.</p> <p>The witness tells how the reports of the Vorstand to the Aufsichtsrat which were made up in the office of the Central Committee, were compiled. The Central Committee demanded reports from the Sparten, sales combines and other central divisions of the I.G. about their field of operations. Based on these reports the comprehensive report was compiled in the office of the Central Committee, which in essence showed the contents, in abbreviated form at times, of the individual reports turned in.</p>	53

Doc. No.	Exh. No.	Description of Document	Page
85 (contd.)		The witness confirms that both documents attached to his statement, namely the letters of the Office of the Central Committee dated 25 April 1941 and 9 Feb. 1942 to Direktor Dr. Bertrams, are copies of file copies of the Central Committee Office, which are stored at the present time in the Records Building of the I.G. Control Office. (To document No. NI-6099, Prosecution Exh. No. 1312 and Document No. NI-6100, Prosecution Exh. No. 1313).	
86		Affidavit dated 30 March 1948 of Dr. Ferdinand Bertrams, 57 from 1933 - 1945, head of the central department for social matters. The witness also tells how the reports of the Vorstand to the Aufsichtsrat were compiled and says to Prosecution Exh. 1312 and 1313, in so far as they refer to reports made about the use of workers: "In so far as I am still in a position at the present time to give an opinion, these transcripts were made up in the above described manner, that is, in accordance with the reports of the Office of the Central Committee based on my reports concerning the social matters. These notes from the reports by the Vorstand to the Aufsichtsrat concerning the requirements and procurement of the essential number of workers, and with respect to the measures taken for eliminating the shortage of workers, especially skilled workers, are therefore, in my opinion, only to be regarded as the submission of reports about the events during the reporting period, which had occurred in the past."	
87		Affidavit of Paula Meter, until 1945 secretary of Ge- heimrat Schmitz, concerning the reports of the Vor- stand to the Aufsichtsrat. The witness states that Schmitz usually only received the draft of the re- port made by the Office of the Central Committee shortly before the meetings, altered it but little, mostly to shorten it or supplement it with comments on his own department.	60

Doc. No.	Exh. No.	Description of Document	Page
87	(contd.)	"To the best of my recollection, however, it did not occur that he made changes in the form of supplements and statements of his own on those parts of the report which did not deal with his field of work, as for example, the reports concerning social matters."	
88		Affidavit dated 9 March 1948 of Otto Hofmann, from July 1940 until April 1943 Chief of the Race and Settlement Main Office (RuSHA) of the SS, who had the job, among other things, to look after the welfare of the families of members of the SS killed in battle. The witness tells about the very considerable non-budgetted disbursements for the alleviation of the need of the survivors of SS members killed in action. He gives figures for these disbursements, which were covered by funds the Reichsfuehrer SS furnished to the RuSHA through his personal staff, and which already in 1941 and 1942 amounted to at least RM 1,500,000.--. The witness further confirms "that the I.G. Farbenindustrie A.G. contributed considerable amounts toward raising the non-budgetted funds for the welfare purposes described above for widows and orphans of SS members."	62
89		Affidavit dated 9 March 1948 of Richard Hildebrandt, Chief of the RuSHA of the SS from April 1943 until May 1945. The witness certified the accuracy of the affidavit of Otto Hofmann and emphasizes particularly that he also knows that the I.G. Farbenindustrie contributed considerable donations toward raising the fund intended for these social purposes."	64

DOCUMENT BOOK 5 SCHMITZ

Doc. No.	Exh. No.	Description of Document	Page
90		Affidavit dated 24 March 1948 of Fritz Schwalm, Chief of the Staff of the RuSHA of the SS, in which he affirms the correctness of the affidavit made by Otto Hofmann. "In particular I confirm that I already knew at that time from personal conversations with the then Oberfuehrer KRANZFUSS that over a period of several years the I.G. Farbenindustrie supplied fairly large sums to the personal staff for these purposes."	66
91		Affidavit dated 22 Jan. 1948 of Dr. Albrecht Weiss, until 1945 director of the personnel department of the I.G. plant in Ludwigshafen. The witness states that on the occasion of the 60th birthday of Geheimrat Schmitz the Vorstand resolved to create a Hermann Schmitz Foundation for the purpose of supporting and benefitting the children of employees who had been killed in action. At the end of 1943 Schmitz ordered that, effective 1 Jan. 1944 besides the war orphans, parents too, whose son was killed or missing in action should receive help from the foundation, in case the deceased was their main support. On the occasion of the 25th anniversary of service which Schmitz celebrated on 1 June 1944, the Vorstand, in consideration of the fact that Geheimrat Schmitz had expressly asked the firm to refrain from giving him any personal anniversary gift, enlarged the Foundation in such a way that on 1 January of each year the Foundation was to pay RM 100.- to each war orphan of the I.G. and most of its subsidiaries, and this was to continue until the child in question had reached its 18th year. As the witness has shown RM 1, 309,300.- were paid out by the Foundation from 1941 - 1944, whereby it must be taken into consideration that up to the time of the collapse only part of the payments for 1944 had been made.	68

Doc. No.	Exh. No.	Description of Document	Page
92		Affidavit dated 26 Feb. 1948 of Dr. Hans Globke, from 1932 - 1934 chief of the department that dealt with constitutional matters in the Prussian Ministry of the Interior, which was also responsible for the carrying out of the Reichstag elections in Prussia. The witness tells how the list of candidates was made up for the first Reichstag elected under the one-party system. The NSDAP leaders held it to be practical "to include in the Reichs list of candidates a number of prominent personalities, not belonging to the NSDAP, from various groups of the population, who after the election were listed as guest representatives (Hospitanten)." It is known to me that Geheimrat Schmitz belonged to those personalities who in this manner became members of the Reichstag."	73
93		Affidavit dated 17 March 1948 of Peter Kronmueller, employee with the I.G. Control Office in Frankfurt a.M., wherein he confirms that the attached copy of a letter from the chairman of the Verwaltungsrat of the I.G. to Geheimrat Schmitz dated 13 Nov. 1933 conforms to the original record available at the Records Building of the I.G. Control Office in Frankfurt am.M. - Griesheim. In this letter Geheimrat Juliusberg, as chairman of the Verwaltungsrat of the I.G. informs Schmitz that the Verwaltungsrat is agreed that Schmitz should accept the Reichstag mandate offered him.	76
94		Photostatic copies of pages 130 and 134 from the book "Der Grossdeutsche Reichstag" - 4th election period, beginning 10 April 1938, prolonged to 30 Jan. 1947, R.v. Deckers, Publisher S. Schenk, Berlin, which shows that Geheimrat Schmitz was not a member, but rather a guest of the faction of the NSDAP.	78

Doc. No.	Exh. No.	Description of Document	Page
95		Affidavit dated 17 March 1948 of Peter Krommüller, 81 employee with the I.G. Control Office in Frankfurt a.M., in which he confirms that the attached copy of a circular letter of the leader of the NS Reichstag members, dated 8 Dec. 1938, and the enclosure, conform to the original record available at the Records Building of the I.G. Control Office in Frankfurt a.M. - Gröschel. The circular letter is definite proof of the complete lack of influence of the Reichstag representatives in the Third Reich.	
96		Affidavit dated 5 March 1948 of Vilhelm Lungen, head of Reichsgruppe Industrie (Reich Group Industry) from 1938 until 1945, concerning the appointment of Geheimrat Schmitz to the Inner Advisory Council (Engerer Beirat) of Reichsgruppe Industrie and his activities on the Advisory Council (Beirat). The witness confirms that Schmitz' interest only became awakened and he only participated in the discussions when they pertained to his own field, that is to financial matters.	85
97		Affidavit of Dr. med. Heinrich Singer dated 21 March 1948, which shows that, beginning in the early part of 1941 Schmitz had a great deal of trouble on his business trips due to ill health, which could only be overcome after Schmitz, on the recommendation of and in agreement with his physician, decided to give up travelling entirely..	87
98		Affidavit of Paula Ester, former secretary of Geheimrat Schmitz, dated 15 March 1948, which shows that Schmitz hardly ever left Heidelberg after August 1943, and with the exception of one trip to Cologne, did not take any more trips at all.	90

Doc. No.	Exh. No.	Description of Document	Page						
99		<p>Affidavit of Dr. Eugen Frentzel, until 1945 Prokurist in the central tax division of the I.G., dated 17 March 1948. The witness compares the donations Geheimrat Schmitz made from his personal funds from 1940 - 1944 towards the establishment of foundations, with the net income he derived in the same period from his professional activity. He gets the following result: according to the above compilations Geheimrat Schmitz spent during the years 1940 to 1944 for communal and charitable purposes</p> <table><tr><td>According to No. 1 to 3</td><td>RM 267,122.-</td></tr><tr><td>according to No. 4</td><td>RM 218,922.-</td></tr><tr><td>In all</td><td>RM 486,044.-</td></tr></table> <p>That is to say, only approximately RM 7,000.- less than his income from his position as chairman of the Vorstand of the I.G. Farbenindustrie A.G., after deduction of the Income, Citizen's and Church Tax which was payable on the same. "It is again stressed that the above figures only include con- tributions made by Geheimrat Schmitz out of his own means. They do not include the sums by which the Foundations created by him benefited at his request...."</p>	According to No. 1 to 3	RM 267,122.-	according to No. 4	RM 218,922.-	In all	RM 486,044.-	92
According to No. 1 to 3	RM 267,122.-								
according to No. 4	RM 218,922.-								
In all	RM 486,044.-								
100		<p>Affidavit of Rev. (retired) Dr. Oestreicher dated 30 March 1948. The witness tells about the attitude towards the church held by Geheimrat Schmitz, who is a member of his parish, which also did not change in the slightest after 1933. He emphasizes his readiness to help, which had as a result that people wanted help but were not members of the parish, also appealed to Schmitz through him. "I have never asked him in vain."</p>	100						

I certify that all the Documents contained in this Document Book
agree word for word with the Documents turned over to the Court.
Nurnberg, 5 April 1948.

Dr. Rudolf Dix
Attorney

A f f i d a v i t

I, Hermann J. ABS, living in Bentgerhof, Balingen on the Rhine, know that I expose myself to punishment if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and was made to be presented as evidence before the Military Tribunal at the Palace of Justice in Nuremberg.

1. In September 1937 I was appointed to the Vorstand of the Deutsche Bank in Berlin as the successor to Gustav Schlieper who had died in August 1937; I had to take over his department, which was Foreign Trade. Schlieper had also been a member of the Aufsichtsrat of I.G. Farben. Unlike most of the other Aufsichtsrat positions of Schlieper, which I also assumed, his Aufsichtsrat position with I.G. Farben was taken over by my colleague, Dr. Eduard Mosler, the chairman of the Vorstand of the Deutsche Bank. After his death in 1939 I was elected to the Aufsichtsrat of I.G. Farben in 1940. The fact that I was in charge of the Foreign Trade department was the main reason why the management of I.G. Farben decided to elect me to their Aufsichtsrat, because I.G. Farben placed special value on its international position.
2. The repeated talks I had with Geheimrat Schmitz, especially in 1941, 1942 and 1943, gave me a deep insight into the financial policies of I.G. Farben.

- 2 -

The main themes of these discussions were the adjustment of capital, for which the legal basis appeared in 1941, and the raising of capital. Like almost all of Germany's large industries, the I.G. had mainly depended on self financing since 1926; this means that after covering the cost of replacements, so far as this was not done from current income and charged to expense, it used the remainder, after depreciation and reserve accounts had been set up, for new construction and additions. The I.G. was limited to this self financing plan for years, since the bank and economic crisis in 1931 sealed off the capital market and the State reserved, since about 1935, the capital market, which was able to operate again, for its own capital needs.

This limitation of resources could also not be overcome through foreign credits after 1931, since after the summer of 1931 no foreign credits worth mentioning were available to Germany or German enterprises, especially not for investment purposes. In the thirties, when the Reich was interested in the construction of any particular plant, it offered credit under favorable terms which had priority over all other debts.

- 2 -

The blocking of the capital market to private business was not eased until the Reich took over total direction of the economy and economic planning - about 1937/8-, but remained dependant upon the power of the Reich Ministry of Economy to inspect and issue permits.

The law governing the adjustment of capital arose from the law for the limiting of dividends through the fact that the law makers realized that the nominal capital of a company was accidental and often a great deal below the real working capital which remained in the firm. This made the limitation of dividends arbitrary and discriminatory against the various enterprises. The Reich limited dividends to 6 % and in cases where a higher dividend had already been paid, to that, but in no case to more than 8 %.

The adjustment of capital law made it possible for the companies to do away with undercapitalization by converting their reserves into their own capital and so to increase the nominal capital, whereby with a division of the same amount of dividends, which remained limited as to total, the dividend rate was reduced. In this way an optical illusion was to be accomplished.

The exploitation of the legal possibilities of capital adjustment differed greatly as between the companies, according to the attitude of the managements.

- 4 -

While the optimist strove for and tried to attain extensive use, in some cases complete exhaustion of the possibilities, so that after the successful completion of the war he would have a lot of leeway, the pessimist did not indulge in an adjustment of his capital, because he wanted to retain his reserves for the many possible and threatened risks that his business faced. The tax questions and the line of business of the individual concern, as well as risks inherent thereto, and finally also consideration of the stockholders or their influence on the management, were important considerations.

In the course of these very thorough discussions with Geheimrat Schmitz he revealed the great caution and thoughtfulness with which he had examined the possibilities and dangers of this law. He followed the notions or plans of other important German industrial companies with a great deal of attention. He also thought of the difficulties of raising capital in the future and therefore did not want to endanger such later capital increases through a low - limited - dividend rate. He believed that he could only secure the parity of the stock in any post war crisis through a minimum rate of 6 %. He also considered undertaking a real increase of capital for the purpose of raising capital. In this way the combination plan for capital adjustment and a real capital increase, as it was carried out in the summer of 1942, was born.

- 4 -

- 5 -

The following figures will serve as an illustration:

		div. rate	amount of dividend
Old I.G. capital	M 900 million	8%	M 72 million
Capital adjustment	225 "	-	-
Real capital increase	225 "	4%	9 "
<hr/>			
New capital	M 1,350 mill.	6%	M 81 million

Besides a great deal of foresight, which could not have been due to an optimism that was confident of victory, and besides the clever decision to make only certain reserves available for the adjustment of the capital, Geheimrat Schmitz was motivated by an almost timid regard for the purpose of the law, to achieve a lower dividend rate through an optical illusion, and a consideration of the interests of the stockholders and of the long range financial requirements of the I.G.

3. I already learned, in those talks, of the worries Geheimrat Schmitz had about the size of I.G. Farben, and what steps could be taken to effect a change in the capital structure besides a far-reaching decentralization attended by independent responsibility of the local managements. This was also supposed to solve the problem of succession in the central management, so that at some time in the future the entire management should not slip from the hands of the empiricists who had grown up with the concern, into a bureaucratic administration.

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This theme was developed in the discussions, which began soon after the capital adjustment and aimed at the raising of more capital.

- Geheimrat Schmitz had a large bond issue in mind which was supposed to be repayable at the option of the I.G., either in stock of the I.G. itself or in stock of its subsidiaries. In this way the bond holder, who according to the subscription privileges was to be basically identical with the stock holder, was to be insured against the fluctuations of the Reichsmark - which was a consideration of the bondholder that could not have been born of blind confidence in victory. By giving an option on the stocks of the subsidiary companies Geheimrat Schmitz was thinking of an actual disposal for the purpose of making the I.G. smaller. In regard to this he mentioned Riebeck Montan, Rhinstahl, Leuna, among others, if my memory serves me correctly. That this plan was no longer carried out was surely not because the idea of a later decrease in the size of the concern had been given up, but rather because due to the course of the political development, which was becoming clearer and clearer, a large bonded debt could no longer be justified.
4. In the formation of bank syndicates Geheimrat Schmitz repeatedly stood up for due consideration of the smaller banks and bankers, wherein he upheld the position of protecting small stockholders.

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But he was against the acceptance of other banks that traded on political support, as for instance the Bank der Deutschen Arbeit, being in agreement with the attitude thereon of the syndicate leader. At the request of Geheimrat Schmitz I had had a careful study of the distribution and dispersal of I.G. stock held by the Deutsche Bank and all of its branches made, and the results showed that there were many more than 300,000 I.G. stock holders over a large area, whose interests and protection Geheimrat Schmitz always felt responsible for and which is surely today still his greatest concern.

The fact that the banks always exercised the voting privileges of the stock of their customers according to the requests of the management, can not be interpreted to mean that the votes were simply turned over to the Vorstand to use as it saw fit. On the contrary, the banks used the voting rights themselves and only supported the Vorstand when they were convinced the rights of the stockholders were being protected, whenever opposition was announced, each customer was informed and his instructions for the use of his vote requested and carried out. The banks were always conscious of their responsibility in exercising the voting rights for the requests of the management, and especially in exonerating the Vorstand and Aufsichtsrat - often after careful examination and always after being entirely convinced - if for no other reason than to protect their investments.

By varied experience in negotiations with foreign creditors in connection with the well known moratorium agreement, according to which the short term bank debts of German banks, industrial and commercial firms were regulated after 1931, enabled me again and again to come in contact with the desires of the foreign bank creditors to effect a change of debtors which would alleviate, or even make tenable, the position of the creditor in regard to security and final payment of his claims. In this I always came across the desire to have the I.G. as the debtor, whose "second to none" rating in foreign countries, good credit standing and export trade exceeded that of all other German firms and whose faithfulness to contracts and fairness was known to all.

The ability to export was threatened in 1933 especially, through the devaluation of the dollar, after England had already left the gold standard in 1931. The poor coverage of the German currency by gold and foreign exchange and the considerable foreign debts in foreign currency had induced the responsible German agencies at that time not to follow the example of devaluation, so that the Reichsmark retained a gold value that was too high. The subsidizing of exports from contributions of the German economy itself, which followed logically, was therefore unavoidable for the contributors, since it was levied as a tax. The claiming of export ^{allowances} therefore remained a matter of calculation.

6. Naturally, the I.G. Farben management had to consider their standing in foreign countries, for one thing on account of their widespread international holdings, and it must have filled them with the greatest anxiety and fear to see these endangered outside of their field of influence through the political developments, just as a war - whatever its outcome - had to hurt their interests severely.

It was just this international position that made the men in charge of the Third Reich very suspicious of the I.G. Farben, as well as of other German enterprises, even more than did their dislike which was due to its powerful position and economic weight, especially since the I.G. constantly attempted to keep itself clear of Party influence.

In general the measures used to retain this independence were various. Geheimrat Schmitz, in particular, knew how not to take any outspoken Party members into the administrative organs, without causing offense, and to keep the I.G. Farben out of politics. Their consideration for the international position also corresponded to their attitude towards the Jewish members of the Aufsichtsrat, whom they retained as long as possible.

A man like Geheimrat Schmitz, who was not a member of the Party, who had farreaching personal and business connections in many foreign countries, had to expect a lot of trouble from the Party at all times, which was a danger which may have induced him, considering his caution and prudence, yes even timidity in the interest of the enterprise, the general economic importance of the I.G., the large number of workers and clerks and colleagues whose welfare he cared so much about, and finally the I.G. stockholders, not to evade certain honors, as for instance the appointment to the Reichstag.

I believe that I can say from my own experience that the international dealings of a German in an important economic position were a constant source of danger and careful supervision and at the same time, however, created a situation at Party offices that caused them to attack such a man for apparently no reason at all, - a repression which may have been heightened by the habit, bred of inferiority complexes, of looking at themselves through the eyes of foreigners.

At the time of the well known attempts by the Party in 1942 to make the large banks dependant on the Party by the removal of persons designated by the Party as unbearable and their replacement by men who favored the Party, the Party and its exponents never gave the slightest sign that they thought that in the person of Geheimrat Schmitz there already was such a person whom the Party could rely on, in the Aufsichtsrat of the Deutsche Bank.

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The membership Geheimrat Schmitz and I had together on the Committee for Monetary Matters of the Deutsche Reichsbank did not offer the opportunity of observing the attitude of Geheimrat Schmitz, since this committee, which was created in the spring of 1939, conforming to its lack of influence, never met. The general Advisory Council (Beirat) of the Deutsche Reichsbank, like the other committees, was also not a body that could have had an influence on the formation of the policies of the issuing bank. It had a certain braking effect, which should not be overestimated, but which describes its ^{tendency} most accurately.

The proceeding arguments have been arranged as follows:

1. My position with I.G. Farben.
2. Financial policies of the I.G.
Adjustment and increase of capital in 1942.
3. Loan negotiations and plan to decrease size of the Konzern.
4. Stockholders of the I.G. and use of voting rights.
5. Position of the I.G. in and towards foreign countries.
6. Geheimrat Schmitz' position in the Third Reich.
7. Geheimrat Schmitz' membership in Advisory Committee (Beirat)
and the Committee of the Deutsche Reichsbank.

Bentgerhof
Remagen on the Rhine
at present in Nuernberg, 14 March 1948.

signed: Hermann J. Abs.

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The above signature of Herr Hermann J. Abs, living in Bontgerhof,
Remagen on the Rhine, whose identity was established by me, Dr.
Rudolf Dix, is herewith certified and attested by me.

Munich, 15 March 1948.

signed: Dr. Rudolf Dix

Defense Counsel

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AFFIDAVIT.

I, Dr. med. Heinrich SINGER, residing in Redwitz House No. 148, rural district of Lichtenfels in Upper-Frankonia, am aware that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement is true, to the best of my knowledge and belief, and was made in order to be submitted as evidence to the Military Tribunal at the Nuremberg Palace of Justice.

In the fall of 1933, after previous activity as a medical doctor, I was called in official capacity, as medical expert, to the health insurance institution and, beginning in 1936, to the provincial health insurance institution in Berlin in the same capacity, and finally, I worked as a medical advisor at the communal office of the German provincial health insurance companies in the Reich Health Insurance Office. Following the destruction of my country-home in Berlin-Dahlem and after my retirement for reasons of health, I came to my home in Frankonia where in 1945 I again established residence as a medical doctor in Redwitz on the Red-eh.

I have personally known Geheimrat Dr. h. c. Hermann SCHLITZ since 1933. Ever since the Jewish specialist Dr. BLOCH of Berlin, who had been his family doctor for many years, went into emigration, I became the latter's successor after I had become acquainted with him not in the exercise of his medical practice, but as a guest of the family.

I can certify that, as a person and a fellow citizen, he was no less esteemed in the SCHLES family than a doctor.

I can claim to know the true attitude of Goebbels toward the Jews and to the forces of the Reich during the years of the Nazi regime affected his person, determined his sphere of task and influence, his position in society, in such a way that his judgement cannot be overlooked as insignificant, for a sick person will disclose his thoughts, feelings and state of mind to the physician of his confidence much more readily than to a person without psychological training, without the necessity of establishing emotional contact which alone can establish and strengthen the contact between two persons in conversation: the physician expects from his patient that he give him a complete insight into what is going on in his innermost if there he suspects to be the source of his distress, and it is true that this suspicion was all the more justified during the years of the Hitler regime, the less persons of rank and importance might have appeared to him certain of giving their support to the existing state system. He myself, who neither had the chance nor the inclination of becoming a follower or disciple of the Nazi doctrine, he could have the fullest confidence. I had become certain about that. In numerous confidential conversations he revealed to me his innermost feelings and strengthened my conviction drawn from the knowledge of his career,

that HITLER's emotional conceptions and measures were diametrically contrary to his principles and ideas and caused him a moral revulsion. Rarely have I seen a person in such a shaken state of mind as Herr SCHWITZ was on the morning following the trials of the Jewish synagogues in November 1938.

The clearness and firmness of his principles and views is not surprising; they grew from the nature and importance of the tasks which life had demanded from him, which have developed and formed his capacity of judgement and have formed and hardened his character. A man who in countless negotiations has been and is important for the fate of the world, whose and world events could compete, owing to his talents and energy, as an equal and highly skilled negotiator. Further, with the personalities in control of enormous sums of the most important economic goods in the world, a man who earned so many laurels for his achievements and so much success for his people whose business and prosperity he constantly helped to increase, could this man be attracted by a system which forced him from the almost unlimited extent of his sphere of activity into the narrowness of a party system, as mentioned by the trial, which arbitrarily curtailed and narrowed his free and beloved sphere of activity to the requirements of money-losing and ill-fated transactions - as it proved to be the case later on which excluded him from working on world-wide problems, deprived him of any free decision about the subject, extent, form and place of the negotiations, which blocked, unsuspected and surprised him, in short, which pulled him down from the height of his tasks into the lowlands of dictated orders?

Geheimrat SCHMITZ, according to his general nature, was accustomed to be guided in his calculations by careful estimates, thoroughly considered predictions and calculations instead of by sympathies and antipathies. This fundamental attitude makes it conceivable that he also considered it important, prior to making his own decision, to make himself familiar with the views taken by others, which he considered particularly important in the event that those views originated from persons whom he appreciated as human beings or even esteemed as friends. He was indeed deterrent to any impulsive formation of judgment and expression of opinion.

The fact that, especially during the initial years, he established a certain outward connection to the Nazi regime, as for instance his membership in the Reichstag and his activity in the House of German Art, is in apparent contradiction to the above description of his basic attitude. It may have been a fact that he, as it was the case with a large part of the German people, was governed by the thought that the new system - without prejudice to the fact that it was in sharp contradiction to his personal views and inclinations - might succeed to overcome the catastrophic economic depression and the social discord of the people, on the other hand, however, he had to acknowledge in the course of events that an opposition against a regime which could fully dispose of all powers, did not offer even the most moderate chance for success.

Aside from the fact that, owing to his general attitude, he could not be persuaded for an adventure, he was now increasingly governed by the idea that for the sake of protection of the important interests entrusted to him and also for the protection of his own person he could not forego at least very carefully hiding his personal opposition and for that reason could not break off the once established outward contact.

From these personal conflicts a symptom gradually developed which in the spring of 1944, when I saw him for the last time, had assumed an outspoken sickly character, a symptom which was dominated by ideas of persecution which, however, became perceptible only to the psychologically trained doctor since they appeared only vaguely, but clearly for the doctor, and were sufficiently impressive to be recognized as to their significance. I had always noticed symptoms of fearful hiding of his innermost feelings, born from the fear of powers who according to his not unjustified opinion were watching him, and who were ready to take up any of his statements and arbitrarily misinterpret them; even in his closest family circle it was extremely difficult to obtain from him a clear expression of his opinion and to have him overcome his suspicions that his statements might be wrongly understood or his opinion misinterpreted.

His condition in 1944 showed a further development of these symptoms up to the stage of the beginning disorientation of his person as a result of arterial-sclerosis changes in the brain. Any further observation of this disease was no longer possible for me due to disruption of our connections as a result of the political developments. As a doctor, however, I am convinced that the beginning of a brain sclerosis, which was my first impression, was correct, and I deem it certain that this ailment is bound to have furthermore aggravated as a result of the shocking effect of Germany's collapse, the effects of several years of confinement and because of the case he is charged with in the trial.

For long years I was a witness of the heavy burden resting upon this man in mental as well as physical respect. I have seen this man change from an ardent creator of great plants to an isolated victim of tyrannical demands. He was particularly burdened by the feeling of seeing himself and his enterprise suspected and branded as "capitalist" by a spirit of the pro-nazified through propaganda, all the more because of the fact that he was striving tirelessly to set an example as a hard and energetic creator of fine plants and that the social activities were of great necessity to him born from his deep human kindness.

Today we learn from the mouths of the most competent persons all over the world, who have become quick of hearing and wise through the confessions and reports from representatives

of the economy and policy of foreign countries who, during the post-war years, have suffered under the same pressure which we have experienced and endured for twelve years, that nobody in those countries, neither the individual nor the people, is in a position to sneak away from, or forcefully arise, against those circles which decide about his tasks and efficiency through the peremptory order of the public executive power. The recognition of complete helplessness in the inextricable stronghold of a totalitarian power of modern design can not be denied to Scheidert SCHMITZ, if ^{it} is unconditionally presented to persons of the same importance beyond the borders of our country.

Redwitz n.d. Redach 21 March 1948

signed: Dr. Heinrich SINGER

I herewith certify and attest the above signature executed by Dr. Heinrich SINGER, residing at No. 148 in Redwitz, rural district of Lichtenfels in Upper-Franken, whose person I, Hanna GIERLICH, have identified.

Signed: Hanna GIERLICH

Assistant Defense Counsel.

Rottach am Tegernsee, 16 March 1948.
Thoma-Haus

Affidavit.

I, Wilhelm von Flusgge, residing in Rottach am Tegernsee, Obb., Thoma-Haus, am aware that I will render myself liable to punishment if

I give a false affidavit. I declare on oath that my statement represents the truth according to the best of my knowledge and belief and was made for the purpose of being submitted in evidence to Military Tribunal No. 6, Case 6 (I.G. Farbenindustrie Aktiengesellschaft) in the Palace of Justice in Nurnberg.

The Defense in this trial has requested me to make a statement concerning my experiences regarding the traits of character of the defendant Hermann Schmitz from my personal knowledge of the latter. I became acquainted with Herr Schmitz during the first World War. At that time and in later years I ate lunch with him at the same table in the Berlin club for years -- for a time every day. In this way I believe I acquired a fairly adequate knowledge of his personality. The most characteristic thing about his personality which struck my attention at that time was the very strong dependence of his thinking and actions on other dominating personalities with more pronounced wills. In all of his official and business activity Herr Schmitz showed a strong intelligence and above all extraordinary carefulness and outstanding diligence, but from the entire make-up of his character he is easily

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induced to follow the opinions of other stronger personalities; above all in his views on politics and economic policy he is generally apt to give great weight to the views of such individuals.

When I became acquainted with Herr Schmitz he was probably to a considerable extent under the influence of his former chief, Herr Richard Merton. I probably do not need to say anything in greater detail about the political attitude of Herr Merton who spent the greater part of the National Socialist era as an emigrant and is now a British subject. Then, however, it was very clear that Richard von Moellendorf gained the decisive influence over Herr Schmitz. The influence of this extraordinarily significant personality was really of decisive importance for all who were intimately connected with him; it became so, for example, for my own entire conception of life. In order to describe Moellendorf's attitude toward National Socialism from the very beginning I should like to tell a short, characteristic story. Shortly after the "seizure of power" a well-known physician, who was a friend of his and who stood in some sort of relations with the new gentlemen in the Wilhelmstrasse, came to him and told him that National Socialism was now using as slogans in its economic-political views what were basically all the ideas which Moellendorf coined (such as "heart economy", "planned economy") and that finally it was even

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actually stealing its stock of economic ideas from Moellendorf sometimes; therefore, he thought it would be appropriate to bring Moellendorf into contact with the new men in power sometime. Thereupon Moellendorf said more or less word for word as follows: "I'd like to give you a parable: The medical profession was exercised by the barbers. You, most respected Professor, were not in agreement with this state of affairs and wrote a book against it with the name of "Modern Hygiene".

Nobody read it. However, one day the butchers decided to wrest the medical business away from the barbers because they could do it just as well. They marched through the streets in mass parades and carried a big banner before them which said "Modern Hygiene". I should now like to bring you into contact with these butchers, my dear Professor."

Then later Moellendorf's hostile attitude toward National Socialism increased even more, so that a few weeks before his death he said to me that the National Socialist era had led to such a deterioration in his fellow men that he did not consider it worthwhile to live with them any longer, but would voluntarily depart from this life. Then shortly after that he actually committed suicide.

The influence which Moellendorf exerted on Schmitz was so strong that I

am convinced that this influence remained effective even after Moellendorf's death. Later on this influence may have been supplemented by the influence of two other personalities who apparently had a strong effect on Schmitz.

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One was Bosch (whose strongly disapproving attitude to National Socialism should be well known); and the other was Warnboldt, former Reich Minister of Economics in Bruening's cabinet, who likewise clearly rejected National Socialism.

signed: Wilhelm von Flügge

The authenticity of the preceding signature is hereby certified.
Rottach a. T., 16 March 1948.

Town of Rottach a.T.

By order:

signed: Zirkel

Chief Admin. Inspector

(Seal)

Affidavit.

I, Hermann Hubmel, 93 Ivy Street, Brookline, 46, Mass., am aware that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth and was made for the purpose of being submitted in evidence to the Military Tribunal in Nuernberg Palace of Justice:

Having been asked about the relationship of Bosch to Schmitz, as well as about the personality of Schmitz, I shall state the following:

C Concerning the relations between Herr Hermann Schmitz and Carl Bosch I recall our last meeting when there were four of us together in Berlin-Dahlem in my house in February or March 1939. On this occasion Herr Bosch and Herr Schmitz approved my leaving Germany because of the political danger to me there and assured my wife and myself of all assistance. At this time there was a relationship of mutual confidence between both gentlemen.

C Insofar as the personality of Herr Schmitz is concerned I recognize his special talent in several fields, but he was lacking in political judgment.

When we said goodbye in Basle early in the summer of 1939 I noticed with apprehension that he was completely without any awareness of the gravity of the situation and the dangers bound up with it.

I cannot state anything concerning the period after we left

Germany in the summer of 1939.

signed: Hermann Hammel

COMMONWEALTH OF MASSACHUSETTS, U.S.A.

Norfolk County, ss.

March 26, 1948.

Then personally appeared the above-mentioned, Hermann Hammel and
acknowledged the foregoing to be his true statement,

Before me,

/s/ Eva B. England

/t/ Eva B. England

Notary Public

My Commission expires March 11, 1949.

Affidavit.

I, Attorney at Law Friedrich Silcher, residing in Nuernberg, Harrieh-strasse 15, have been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth and was made for the purpose of being submitted in evidence to Military Tribunal No. VI in the Nuernberg Palace of Justice, Germany.

As Director of the Berlin NW 7 Legal Department of the I.G. I used to inform Geheimrat Schmitz, among others, about new laws and decrees that seemed to me important for the I.G.

In June 1938 there appeared in the Reich Law Gazette the 3rd decree to the Reich Citizenship Law of 14 June 1938 (RLG. 1 p. 627), which among other things provided that the business enterprise of a legal person, that is, for example, of a corporation (Aktiengesellschaft) was considered Jewish if the Aufsichtsrat included even only one Jew as a member. This decree provided that Jewish business enterprises should be entered in special lists and judging from previous experience further discriminatory measures could be expected against Jewish business enterprises, if not measures actually threatening their existence.

Since up to a short time before the I.G. had had not merely one but even several Jewish members on the Aufsichtsrat and the decisive key-date appeared unclear from the decree, I informed Herr Schmitz that according to this decree the I.G. was possibly regarded as a Jewish enterprise. Thereupon he replied more or less to the following effect with a

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vehemence unusual in him: "Have you anything against working in a Jewish company?"

Muernberg, 2 April 1946.

signed: Friedrich Silcher

The above signature of Herr Friedrich Silcher, Muernberg, Harrieh-strasse 15, whose identity was established by me, Hanne Gierlichs, is hereby certified and witnessed by me.

Muernberg, 2 April 1946.

signed: Hanne Gierlichs

Assistant Defense Counsel

Copy

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Excerpt from the

Minutes of the 5th Meeting of the Vorstand, held on 21 October 1938, 11 o'clock a.m., at Berlin.

There are present all members of the Vorstand with the exception of the following:

Dr. Brauch,
Consul General Mann,
Dr. Alther,

furthermore Geheimrat Prof. Dr. Bosch from the Aufsichtsrat.

Point 1) and 2) of the Agenda:

General Business Situation and Central Committee.

Geheimrat Schmitz announces the turn-over, which shows a slight increase, and again refers to the necessity for strictest economy. In the Z.A. (Central Committee) the agenda for the Aufsichtsrat and the Vorstand has been discussed; corresponding drafts will be sent to the members of the Vorstand.

-2-

Excerpt from the

Minutes of the 5th Meeting of the Vorstand, held on 18 November 1938, 9:30 o'clock a.m., at Frankfurt on Main.

ere are present all members of the Vorstand with the exception the following:

Dr. Hoerlein and
Dr. Krauch,

furthermore the Acting Chairman of the Aufsichtsrat, Dr. Walter vom Rath.

Point 3) of the Agenda.

Report on the Tea (Technical Committee) Meeting.

First Dr. ter Meer reports on the technical development in the field of colors, which has led to very nice results, and next regarding the credit situation. As far as can be seen today, the goal, of reducing the investment program by 20% during the first half of the year 1939 and of bringing the depreciations into conformity with this during the second half of the year 1939, will be achieved. While we began the year 1938 with a credit carry-over of RM 413 millions, the carry-over of credit to the beginning of 1939 will amount to RM 360.2 millions - exclusive of Buna. This includes credits in the amount of RM 38.5 millions which were authorized by the last Dec., of which RM 8.4 millions again pertain to the mines. Also in the next year an expense budget is to be set up for each plant, to which the plants will have to adhere.

-3-

Excerpt from the
Minutes of the 7th Meeting of the Vorstand, held on
16 December 1938, 9:30 o'clock a.m., at Frankfurt on Main.

There are present all members of the Vorstand with the
exception of the following:

Dr. von Knieriem,
Dr. Krauch,
Dr. ter Meer,

furthermore the Chairman of the Aufsichtsrat, Geheimrat
Dr. Bosch.

Points 1) and 2) of the Agenda:

General Business Situation; Central Committee.

Referring to the hope expressed at the preceding meeting
of the Vorstand (Point 3 of its Agenda), that the invest-
ment program for the second half of the year 1939 will be
brought into conformity with the depreciations, Geheim-
rat Schmitz stated that according to the demands for
credit for the year 1939, which are already at hand, the
permissible investment amount of RM 200 millions already
has been greatly exceeded. He therefore finds it
necessary to again make a serious appeal to the Be-
triebsfuehrer to check their investment program, and
to limit it to the absolute necessities.

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Excerpt from the

Minutes of the 8th Meeting of the Vorstand, held on
26 January 1932, 9:30 o'clock a.m., at Berlin.

There were present all members of the Vorstand with
the exception of the following:

Haefliger,
Dr. Ilgner,
Dr. Krauch,
Dr. Kuehne.

Point 4) of the Agenda:

a) Report on the Tea (Technical Committee) Meeting.

Dr. ter Meer reports that no new credits were granted
at yesterday's meeting of the Technical Committee.
Of the authorized credits RM 314 millions were carried
over to the new year, to which probably roughly
RM 80 millions of new credits will be added.

Dr. ter Meer stresses again that the individual Sparten
will definitely have to remain within the limits
of the amount of credit assigned to them.

-5-

Excerpt of the

Minutes of the 9th Meeting of the Vorstand, held on
28 February 1939, 9:30 o'clock a.m., at Frankfurt on Main.

There are present all members of the Vorstand with the
exception of the following:

Dr. Jacobi,
Dr. Eigner,
Dr. Krauch,
Otto,
Hibel,
Dr. Walther.

Point 3) of the Agenda:

Report on the Tec (Technical Committee) Meeting.

Dr. ter Meer reports on two lectures which were given
in the Tec; by Dr. Pfelemer regarding advances in the
field of color, and by Dr. Minnacker regarding the
freeing of lignite and coal of ash for hydration
and for ^{carbonization} products with a low ash content. The
Tec further discussed the execution of various contracts
with co-workers and the credit situation. In this
connection Dr. ter Meer again refers to the necessity
for the greatest cautiousness. In this connection
Geheimrat Schmitz submits information regarding a
plan for a bond loan of up to RM. 200 millions. The
Vorstand agrees.

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Excerpt from the

Minutes of the 11th Meeting of the Vorstand, held on 1 June 1939, 9:30 o'clock a.m., in the old Administration Building of the Leverkusen plant.

There were present the members of the Vorstand with the exception of the following:

Dr. Gajewski,
Dr. Ilgner;
Dr. Krauch,

furthermore Geheimrat Prof. Dr. Bosch from the Aufsichtsrat.

Point 4) of the Agenda:

Report on the Tea (Technical Committee) Meeting...

Dr. ter Meer states that the Tea at its meeting on 31 May 1939 had granted no new credits, and reports on an interesting lecture regarding anorganic pigment colors, held by Dr. Heder at the Tea (meeting).

Furthermore the Tea dealt exhaustively with the experimental expenses, which have increased by leaps and bounds during the last years, and it came to the conclusion that the amount of the experimental expenses - considering our greatly increased problems and the necessity of technical advancement - are not to be criticized.

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Excerpt from the

Minutes of the 12th Meeting of the Vorstand, held on
8 August 1939, 9:30 o'clock a.m., at Berlin NW 7, Unter
den Linden 82.

There are present all members of the Vorstand with the
exception of the following:

Haefliger
Dr. Ilgner
Dr. Rauch
Professor Lautenschlager
Mann
Dr. ter Meer
Walther
Weibel.

Point 3) of the Agenda:

Report on the 100 (Technical Committee) Meeting.

Dr. Cajewski reports that no new credits were authorized
in the Tea Meeting held on 7 August 1939.

I, Hanns Gierlich, Deputy Defense Counsel at the American
Military Tribunal at Nurnberg, certify hereby that the
preceding documents are true excerpts from the minutes
of the meetings of the Vorstand, held on 21 October 1938,
18 November 1938, 16 December 1938, 26 January 1939,
28 February 1939, 1 June 1939 and 8 August 1939, which
were made available to us in the form of photostatic
copies from the files of the Prosecution.

Nurnberg, 29 February 1948

sgd.: Hanns Gierlich

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Dr. jur. Walter Hoyer ^{Copy}

Frankfurt (Main) 20
23 October 1936
Grüneburgplatz

Geheimrat Dr. H. Schmitz
Berlin NW 7
Unter den Linden 78

My dear Geheimrat!

According to your wishes I have, in an appropriate manner, cancelled the appointment for a meeting with Hauptamtsleiter Hilgenfeldt, on Thursday, October 22nd. I was now informed today that Herr Hilgenfeldt asked me to call him on the telephone. In the course of this telephone conversation, which under the circumstances could not be avoided, we arranged that the payment of the one million Reichsmark is to be carried out in the same manner as was done last year. I have arranged the necessary. At the end of the conversation Herr Hilgenfeldt actually shortly discussed the size of the amount made available by the I.G. He remarked, that he would have liked to have pointed out to me already at an earlier date, that various enterprises had drawn his attention to the fact, that the donation by the I.G. was in no proportion to its size. In this connection Herr Hilgenfeldt referred to the fact that for instance the Rheinisch-Westfälisches Kohlen-Syndikat had already subscribed 2.8 million Reichsmark, and that this was only intended as a first instalment. Herr Hilgenfeldt expressed this point of view in a very friendly manner, however, he requested me to take this matter up. In the course of the telephone conversation I informed him, that I would naturally at once bring the ideas expressed by him

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to the attention of our competent men in the Central
Committee.

Therefore I did not want to omit to inform you of this
conversation at once.

With kindest regards,

respectfully,

sgd.: J. Eoyer.

I, Hanns Gierlich, Deputy Defense Counsel at the American
Military Tribunal at Nurnberg, certify that the preceding
document is a true copy of an original letter which can be
found in a folder "Sekretariat Geheimrat Schmitz"
placed at my disposal by the Prosecution, and which was
taken by the latter from the files of the Document Center
at Griesheim.

Nurnberg, 18 March 1948

sgd.: Hanns Gierlich.

AFFIDAVIT.

- 1.) I, Hermann BAESSLER, residing Frankfurt/Main, Gutleutstrasse 41, was duly warned that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that my statement is true and was made to be presented in evidence before the Military Tribunal No. VI at the Palace of Justice in Nuernberg, Germany.
- 2.) Until 1945 I had been office manager at the office of the Central Committee (Zentralausschuss-Buero) of the I.G. Farbenindustrie Aktiengesellschaft, Frankfurt / Main.
- 3.) In September 1938^{the I.G.} made a contribution of RM. 100.000.-- to the Sudeten German Relief work and the Sudeten German Free Corps, as well as a further contribution of RM. 500.000.-- for the Sudeten German Relief work.

The records of these payments were still available after the Americans entered, ^{were} together with the records of the former Central Committee Office of the I.G. brought into the Records Building of the I.G.-Control Office, Frankfurt/Main - Griesheim.

On orders of the Counsel for the Defense in Case VI before the Military Tribunal in Nuernberg, I have looked through these files of the Z.A-Buero in Frankfurt-Griesheim and found that the records concerning these two above mentioned payments had been removed. I assume that the Prosecution in Nuernberg has

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 79

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taken possession of them.

Frankfurt/Main , 17th March 1948

Sig. Hermann BAESSLER

(Hermann BAESSLER.)

The above signature of Herr Hermann BAESSLER,
whose identity was established by me, Hanns
GIERLICH, is, herewith, certified and attested
by me.

Frankfurt/Main, 17 March 1948

Sig. Hanns GIERLICH

(Hanns GIERLICH)

Assistant Defense Counsel
in Case VI with the Military
Tribunal in Nuernberg.

AFFIDAVIT.

I, Dr. Walter HOYER, Wuppertal-Vohwinkel, Reuterstrasse 20, know that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that my statement is true and was made to be presented in evidence before the Military Tribunal in Nuernberg.

I entered employment with I.G. Farben, Frankfurt/Main, in 1934 after I had passed my bar examination. Since 1937 I had been manager of the Z.A.-Buero, where among other things the central contributions of the I.G. Farbenindustrie A.G. were processed.

Under central contributions we understood contributions, where not merely a local interest of some I.G.-plant exists for its granting, but that were better given by the I.G. as a whole because of their character and general importance. Mostly larger amounts were involved in such central contributions. Such contributions were decided upon by the Zentralausschuss (Central Committee of the I.G.). Normally such contributions came about through an appeal for contributions for a certain purpose by some agencies outside the I.G., for instance Party-or Government agencies, directed to the I.G. in Frankfurt or to another I.G. Plant, like the management of an I.G.-factory. If contribution requests were made of an I.G.-Plant, the workmanager concerned passed it on to the Z.A.-Buero in Frankfurt/Main, if he felt that the case required consideration as a central contribution by the I.G. as a whole.

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Then the Z.A.-Buero assembled the underlying records for the contribution and submitted the requests to the Z.A. for decision at its following meeting. In case of contribution requests, where a particularly quick decision was requested, we of the Z.A.-Buero used to submit the matter to Geheimrat SCHMITZ for his decision already before the next Z.A. meeting. This frequently was done by telephone. If Geh. SCHMITZ approved of the contribution, then it was as a rule brought to the attention of the individual worksmenagers with a reference to the predecision of Geh. SCHMITZ, or it was subsequently submitted to the Z.A. at its following session for information resp. approval. I know of no case where the Z.A. or any member of the Vorstand would have raised any objections against such an advance decision by Geh. SCHMITZ.

Contribution requests by agencies outside of the I.G. that were directed to the I.G.-Berlin, received in general the same treatment as already described. It happened that such contribution requests, if speed was required and larger amounts were at stake, were submitted in Berlin to Herr Geh. SCHMITZ immediately.

As a rule the Z.A.-Buero was in these cases informed by Geh. SCHMITZ

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himself or by his Berlin Office regarding his decision. The further procedure was the same as already described.

My statements refer to contributions of which the Z.A.-Buero in Frankfurt/Main was informed. There were also exceptions, where the Z.A.-Buero was not instructed about the nature and purpose of certain contributions.

Wuppertal-Vohwinkel, 24th March 1948

Sig. Walter HOYER.

Doc.Roll No. 169 f. 1948

The above signature of Herr Dr. Walter HOYER, Wuppertal-Vohwinkel, Reuterstr. 20, executed before me, the undersigned Notary Public Dr. Th. EIGEL in Wuppertal, is, herewith, certified and attested by me.

Wuppertal-Vohwinkel, 24 March 1948

Notary Public :

(Stamp)

Sig.Dr. Eigel

AFFIDAVIT.

I, Paula ESTER, residing at Heidelberg, Schloss Wolfsbrunnenweg 33a, know that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that subsequent statements are true to the best of my knowledge and belief, in order to be presented in evidence before the American Military Tribunal in Nuernberg in case VI (I.G. Farbenindustrie Aktiengesellschaft).

Since 1918 I have been employed with the Badische Anilin-& Soda-Fabrik Ludwigshafen/Rhein, and since the year 1926 with the I.G. Farbenindustrie Aktiengesellschaft until the German collapse in May 1945. Since 1928 I worked as a secretary for Geheimrat SCHMITZ.

To my memory Geheimrat SCHMITZ never took the initiative in matters of contributions especially of a political nature. The impulse to such contributions came without exception from outside sources, be it that Geheimrat SCHMITZ or another leading gentleman was asked directly for a contribution by a competent person, be it that a plant was approached by local Party-agencies and that on the basis of a inquiry by the gentleman or the plant concerned, of which Geheimrat SCHMITZ mostly learned by way of the Z.A.-Buero, it was decided to settle the matter centrally and uniformly for the I.G.

Heidelberg, 30 March 1948

Sig. Paula ESTER

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CERTIFICATE.

Above signature of Frl. Paula ESTER, secretary, residing at Heidelberg, oestel-Wolfsbrunnenweg 33a, is publicly certified as authentic.

Heidelberg, 30 March 1948

Notary Public Heidelberg IV

	Justice
	Sig. Signature
Value RM. 1.000.--	as Notary Public
Par.39 " 2.--	Notary Public Heidelberg (stamp)

AFFIDAVIT.

I, Dr. Henning van WYCK-DIETZ, born on 22 March 1902 in Pirna, residing Munich 22, Robert Kochstrasse 9 (Kolpinghaus), editor by profession, know that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that my statement is true to the best of my knowledge and belief and was made to be presented in evidence before the Military Tribunal at the Palace of Justice in Nuernberg, Germany.

By way of an order by the Counsel for the Defense in the I.G.-Trial I was charged with finding out whether in connection with the so-called Sudeten crisis in the summer and autumn of 1938 collections to a larger extent were made on behalf of the Sudeten-German refugees.

The newspapers of that time which I looked through, namely the "Voelkische Beobachter", the "Deutsche Allgemeine Zeitung" and the "Frankfurter Zeitung" showed only one report of 2.10.1938 (DNB-report) concerning a single contribution.

Since I could remember for certain that actually larger contributions were made on the part of German industry on behalf of Sudeten-German refugees, and since I remembered further to have read in Vienna as a manager of the International Commercial Service-Austrian Branch a circular order by the Chamber of

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Commerce there, according to which such contributions were expected to be paid into a special account of the NSV. by the firms registered with the Chamber of Commerce, I inquired with the Chamber of Commerce Munich about this matter.

My recollection from that time was confirmed to me by the Chamber of Commerce in Munich. A special postal checking account had been established, as was formerly customary in Germany at various occasions (for instance nature-catastrophes, emergencies in distress areas etc.), into which these contributions could be paid. This explanation also appears entirely credible, since inquiries with the Postal checking Office at Munich also confirmed that a postal checking account for contributions on behalf of Sudeten-German refugees had actually been established temporarily in 1938, which - as far as can be remembered - was established for the Reichsexecutive of the NSV. The number of the account, however, could not be ascertained any more here, since the respective records were destroyed through bomb attacks. Therefore it also could not be ascertained anymore, whether the postal checking forms required to state exactly the purpose of the contributions, for instance that they were intended for the Sudeten German Relief Work or for the purposes of the Sudeten German Free Corps. In the opinion of my informants at the Chamber of Commerce and also according

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to my own opinion such a more detailed commitment as to the purpose of the contribution by the sponsor of the collection, namely the NSV, appears entirely probable.

That the result of this collection does not show up particularly in the yearly reports of the NSV is to be explained from the fact that the collection took place at the time when the report for 1937/38 was made, that is the collection was not yet concluded. The next report, however, was given after the outbreak of war and therefore was much shorter than the preceding ones. Besides the opening of the Winterhilfswerk 1939 (winter-aid-campaign) dealt exclusively with matters of wartime needs. Therefore the collection for the Sudeten-Germans presumably was accounted for in the total figure of contributions for 1938/39.

Munich, 4 April 1948

Sig.Dr. Henning van WYCK-DIETZ

The above signature of Herr Dr. Henning van WYCK-DIETZ, Munich, 22 Robert Kochstrasse 9 (Kolpinghaus) , whose personality was identified by me, Helmuth HENZE, is, herewith, certified and attested by me.

Munich, 4 April 1948

Sig.Helmuth HENZE
Defense Counsel.

C O R R

Excerpt from a File Note by Dr. v. Hofacker

of 8 August 1938

Subject: Special aid for the starving Austrians.

... ..

As a reason for the magnitude of these special tasks in the Ostmark Herr Hilgenfeldt pointed out that up to now he had had to use a total of RM 85 million, the greater part of which, indeed, was at the direct order of the Field Marshal. Of these RM 85 million he had to raise RM 25 million through a loan, the remainder had to be defrayed from the current funds of the National Socialist People's Welfare Organization and from contributions. In view of the acute danger of actual hunger before the harvest, for example, more than 100 railroad cars loaded with rye and food had to be sent to Austria. Furthermore, the generous children's aid campaign, the relief measures after the flood disaster, and other special circumstances had called for quite extraordinary expenditures. He said that in addition to this there was not yet any state, in particular communal, welfare organization in Austria (for example, supported charities) and that consequently even now very large amounts had to be raised regularly from non-state funds, that is, chiefly from the National Socialist People's Welfare Organization, in order to bridge the gap until the state welfare organization was functioning.

It was clear that the National Socialist People's Welfare Organization could not finance these great tasks solely from its regular budget

- 2 -

and that therefore, so long as the state was not in a position to help out, there was no other alternative but to resort to the previously mentioned "Appeal to Decent People" within private industry. For one could not let things slide in the Ostmark without causing very serious injury to the national strength there. The National Socialist People's Welfare Organization, however, was financially at the end of its resources as far as this was concerned. It was, therefore, appealing once more to us to give particular attention to the extraordinary emergency described above.

*** ** *

signed: v. Hofacker

I, Hans Gierliche, Deputy Defense Counsel before the American Military Tribunal in Nuernberg, hereby certify that the preceding document is a literal copy of an excerpt from a file note which is in a folder, "Gehheimrat Schmitz' Office", which was furnished to me by the Prosecution and taken by them from the files of the Document Center in Griesheim.

As appears from the documents, this file note was transmitted to Gehheimrat Schmitz by Dr. jur. Seupoll, member of the Vorstand of the Vereinigten Stahlwerke A.G., Duesseldorf, with a letter of 9 August 1938 in connection with a conversation about joint action by the large industrial firms in this matter.

Munich, 18 March 1948

signed: Hans Gierliche

Affidavit.

I, Dr. Gustav Pistor, born on 13 July 1872 in Wuppertal-Elberfeld, residing in Tegernsee-Sued, Niedersteinstrasse 190 1/5, am aware that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth to the best of my knowledge and belief and was made for the purpose of being submitted in evidence to Military Tribunal No. VI in the Palace of Justice in Nurnberg, Germany.

In 1895 I entered the service of the Griesheim-Elektron Chemical Factory, one of the founder firms of the I.G. Farbenindustrie A.G., was a member of the Vorstand of the Griesheim-Elektron Chemical Factory since 1910, and after its merger with the I.G. Farbenindustrie A.G. I belonged to the Vorstand of the I.G. from 1926 to 1937. Since 1938 I have been living in retirement and was elected to the Aufsichtsrat of the I.G. in 1938.

I have been requested by the Defense Counsel for Geheimrat Dr. Hermann Schmitz to comment on Prosecution Document NI-8317, an affidavit by Dr. Ernst Struss of 2 June 1947, and more particularly on the reference to Geheimrat Schmitz in the 3rd paragraph of the affidavit. In this connection I might remark that in an affidavit of 16 November 1947, Buergin Document

No. 17, I have already commented on the general questions connected with the Reich's request for a new magnesium plant, which was subsequently erected in Alton.

In my estimation the statement by Dr. Struss offers an incorrect impression concerning Geheimrat Schmitz' participation in the negotiations connected with the construction of this magnesium plant. Since I no longer possess any records I naturally do not remember all the details as to the course of the negotiations at that time. However, I consider it as beyond any doubt that the fundamental questions raised by the request of the Reich were discussed with Geheimrat Bosch, who was Chairman of the Vorstand and Technical Manager of the I.G. at that time, whose judgment and decision were decisive and always particularly important for us because of his commanding personality, and that negotiations were then undertaken by virtue of his approval. I cannot in any way agree to the statement of Herr Struss that Geheimrat Schmitz gave me a kind of blank authorization to continue the negotiations. Geheimrat Schmitz, who directed the financial affairs of the I.G., would never have had any authority to make such a general decision. But besides that I remember exactly that Herr Schmitz held a very cautious attitude toward the field of magnesium.

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and its alloys since its development had required an unusually high outlay in costs, and also displayed this caution toward the new project, whereas Herr Bosch, who as an engineer was increasingly interested in the development of new fields in engineering, had ~~always~~ pushed this new practical metal in spite of the high costs of its development and also lent his support to the new project. Geheimrat Schmitz' attitude must have been one of the reasons why an effort was made to reduce the risk of the I.G. and secure extensive financing from government funds during the negotiations which led to the subsequent conclusion of the contract.

The negotiations concerning the request of the Reich for the construction of a new magnesium plant were held with the cooperation of the competent Vorstand members of the Chemical Works, which included magnesium production, namely, Herr Eduard Weber-Andreas, the Business Manager of the Chemical Works, Ministerialrat (retired) Dr. Bernhard Buhl, who as a lawyer exercised a substantial influence on the negotiations, and myself, for matters concerning technical-economic interests.

Munich, 24 March 1948

signed: Dr. Gustav Pistor
Dr. Gustav Pistor

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The preceding signature of Dr. Gustav Pistor, residing in Egerstrasse-
Bund, Biedersteinstrasse 190 1/5, whose identity
was established by me, Hans Gierliche, is hereby certified and
witnessed by me.

Munich, 24 March 1948

signed: Hans Gierliche

Hans Gierliche

Assistant Defense Counsel

Affidavit.

- 1.) I, Hermann Baessler, residing at 41 Guttenbergstrasse in Frankfurt/Main, have been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement represents the truth and was made in order to be submitted as evidence to Military Tribunal VI, at the Palace of Justice in Nuremberg, Germany.
- 2.) I was the head of the Central Committee office of the I.G. Farbenindustrie Aktiengesellschaft, Frankfurt/Main, till 1945.
- 3.) The reports by the Vorstand to the Aufsichtsrat, to be submitted in accordance with the legal provisions, were prepared in the Office of the Central Committee in Frankfurt/Main. For this purpose, the heads of the branches, sales combines, the central book-keeping department and various other central offices were requested, a few weeks prior to the scheduled meetings of the Aufsichtsrat, to submit reports concerning their fields of work to the Office of the central committee. As for the social question a corresponding request was sent to Dr. Bertram.

I herewith certify that the letters attached to this affidavit, dated 25 April 1941 and 9 February 1942, are the true copies

- 2 -

of those from the files of the Office of the Central Committee which at the present time are kept in the Records Building of the I.G. Control Office in Frankfurt/Main-Griesheim.

On the basis of the letters, received in reply to the above mentioned requests, the Office of the Central Committee prepared a summarized report for each case which mainly stated the contents of the submitted individual reports, partly in abbreviated form.

Frankfurt/Main, 17 March 1948

signed: Hermann Baessler

I herewith certify and attest the above signature executed by Hermann Baessler whose identity I, Hanna Gierliche, have established.

Frankfurt/Main, 17 March 1948

signed: Hanna Gierliche

Assistant Defense Counsel in

Case VI on Trial before the
Military Tribunal Nurnberg

- 3 -

Supplement
to the affidavit by Hermann Baessler,
dated 17 March 1948.

Copy

Office of the Central Committee, 25 April 1941

2/Bo

TO:

Director Dr. Bertrams
Louise Plante

Subject: Report to the Aufsichtsrat.

Dear Dr. Bertrams:

The next meeting of the Aufsichtsrat will presumably take place on
7 June 1941.

In order to prepare the report of the Vorstand to the Aufsichtsrat
we ask you at the request of Geheimrat Schnitz to forward to us
till 19 May 1941 the records concerning the

social matters of the I.O.

during 1940 and the first quarter of 1941, as well as other events of
special importance, in so far as this information is permitted
to be revealed in accordance with the present regulations.

Geheimrat Schnitz requests a copy of your reply to be forwarded to his
Berlin Address.

Heil Hitler

Office of the Central Committee

signed: Hoyer

- 4 -
Supplement

to the affidavit by Hermann Bassler, dated 17 March 1948.

Copy

To: Director Dr. Bartram,
Louisa Plants,

9 February 1942 B/M.

Subject: Report to the Aufsichtsrat.

Dear Dr. Bartram,

The next meeting of the Aufsichtsrat will presumably take place on
20 March 1942.

In order to prepare the report of the Vorstand to the Aufsichtsrat
we ask you at the request of Geheimrat Schnitz to forward to us
till 23 February the records concerning the

social matters of the I.G.

during 1941 and the first weeks of 1942 about which records
are available, as well as other events of special importance in so
far as this information is permitted to be revealed in
accordance with the present regulations.

Geheimrat Schnitz requests a copy of your reply to be
forwarded to his Berlin address.

Heil Hitler

Office of the Central Committee

signed: Hoyer

Affidavit.

I, Dr. rer. pol. Ferdinand Bertram, Frankfurt/Main,
Zöppelinallee 87, have been duly warned that I will render
myself liable to punishment if I give a false affidavit.
I declare in lieu of oath that my statement represents the truth
and was made in order to be submitted as evidence to Military
Tribunal VI, at the Palace of Justice in Duernberg, Germany.

In 1930, after 11 years of activity as social referent in the I.G.
plant Leverkusen, I assumed charge of the department for social
matters in the administration building of the I.G. in
Frankfurt/Main. In 1933 I became the head of the I.G. Central Office
for Social Matters which from that time on was known under the name
"Bertram's Office" (Buero Bertram*). Following Dr. Schneider's
appointment at the beginning of 1938 as chief manager of the
I.G., I moved with this office to Dr. Schneider's place of
business, the Louma Plant, where I was in charge of the office
till June 1945.

I refer to the affidavits by Dr. Walter Hoyer, dated 20
December 1947 and Hermann Baessler, dated 17 March 1949, which were
laid before me by the Defense and declare in conformity with the
statements made in these affidavits that at the end of each
fiscal year of the I.G. I was requested by the I.G. Office of the
Central Committee in Frankfurt, to submit the records concerning
the social matters of the I.G. during the fiscal year just ended,
and the first months of the new fiscal year, to the Office of the
Central Committee to be used, for the preparation of the
report by the Vorstand to the Aufsichtsrat.

- 2 -

I prepared my reports on the basis of the information put at my disposal by the individual plants. As far as I remember, my reports contained, in addition to the social events of special importance during the last fiscal year, a summarized description of the social field of work. The Office of the Central Committee gathered from my reports such information in abbreviated- and frequently also changed wording which, in its opinion, was of interest to the Aufsichtsrat.

The Defense has laid before me the following extracts from the transcripts of I.G. Aufsichtsrat meetings:

1. Dated 11 July 1941:

"The plants must direct their efforts to obtaining the necessary workers; it was generally possible to satisfy the requirements through the employment of foreign workers and prisoners of war."

2. Dated 30 May 1942:

"The shortage of workers, especially skilled workers, had to be balanced through longer working hours and through employment of women, foreigners and prisoners of war."

In so far as I am still in a position at the present time to give an opinion, these transcripts were made up in the above described manner, that is, in accordance with the reports of the Office of the Central Committee based on my reports concerning the social matters. These notes from the reports by the Vorstand to the Aufsichtsrat concerning the requirements and procurement of the essential number of workers, and with respect to the measures taken for eliminating the shortage of workers, especially skilled workers, are therefore,

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in my opinion, only to be regarded as the submission of reports about the events during the reporting period, which had occurred in the past.

Frankfurt/Main, 30 March 1948

signed: Dr. Ferdinand Bortmann.

I hereby certify and attest the above signature executed by Dr. Ferdinand Bortmann, Frankfurt/Main, Zoppelinallee 87, whose person I, Dr. Walter Bachem, have identified.

Frankfurt/Main, 30 March 1948

signed: Dr. Walter Bachem
(Assistant Defense Counsel)

Affidavit.

I, Paula Ester, residing at 33a Schloss-Wolfsbrunnengasse, in Heidelberg, am aware that I will render myself liable to punishment if I give a false affidavit. I herewith declare in lieu of oath that I have made the following statements to the best of my knowledge and belief in order to be submitted as evidence to the American Military Tribunal, Case VI (I.G. Farbenindustrie Aktiengesellschaft).

Beginning in 1918 I was first employed at the Badische Anilin und Sodafabrik, Ludwigshafen on the Rhine, and thereafter, since 1926, I was working with the I.G. Farbenindustrie Aktiengesellschaft until May 1945 the time of Germany's collapse. Since 1928 I worked as a secretary for Geheimrat Schmitz.

The report of the Vorstand to the Aufsichtsrat was made up by the Office of the Central Committee on the basis of reports submitted by the individual sales-branches and other I.G. offices, and as a rule, was forwarded to Geheimrat Schmitz shortly before the meeting. Geheimrat Schmitz, to my knowledge, has made only few changes on this report, he merely put it in an abbreviated form, or added matters from his own field of work. To the best of my recollection, however, it did not occur that he made changes in the form of supplements and statements of his own on those parts of the report which did not deal with his field of work, as for example, the reports concerning social matters.

Heidelberg, 30 March 1948

signed: Paula Ester

- 2 -

Certificate of Signature.

The foregoing signature executed by Miss Paula Ester, secretary,
residing at 33a Schloss-Wolfbrunnengasse in Heidelberg, is
herewith officially certified as authentic.
Heidelberg, 30 March 1948

Justizrat

Notary's Office VI in Heidelberg

signed: Signature

Value RM 1.000

Acting as Notary

Par. 39, RM 2.—

Notary's Office Heidelberg

(Stamp)

AFFIDAVIT.

I, Otto HOPMANN, born on 16 March 1896 in Innsbruck, now in Nuernberg, Palace of Justice, am aware that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth according to the best of my knowledge and belief and was made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Nuernberg.

From 9 July 1940 to 20 April 1943 I was Chief of the Race and Settlement Main Office (RuSHA) of the SS. Along with its other tasks the RuSHA was also responsible for looking after the social welfare of survivors of members of the Waffen SS who were killed in action, as well as ^{of} members of the General SS who served in other branches of the Armed Forces.

From the beginning of the war the need of money for welfare purposes in the SS was very great and it constantly increased during the war years because of the increasing losses of both the Waffen SS and the members of the General SS who served in other branches of the Armed Forces. The budget funds which had been originally allocated for this purpose were far from sufficient to take care of the need. As early as 1941 and 1942 the 18 then existing Administrative Districts of the General SS were allotted a monthly payment of RM. 5000 each by the RuSHA for meeting these special welfare and hardship cases. This growing, unexpected need for money was met from the funds which the Reichsfuehrer SS furnished to the RuSHA through his personal staff. In 1941 and 1942

(page - 2 - of original)

this already amounted to a sum of RM. 1.080.000 annually which was not issued directly by the RuSHA but was allotted to the 18 Administrative Districts and distributed by the latter. All larger relief payments, especially unique cases, which exceeded RM. 250 in a single case, not only had to be approved by the RuSHA, but were also paid out by the latter from funds over which it had direct control. These payments likewise again reached the amount of around RM. 500.000 per year.

From conversations with SS Oberfuehrer KRANEFUSS, who served on the personal staff of the Reichsfuehrer SS, I know that the I.G. Farbenindustrie Aktiengesellschaft contributed considerable amounts toward raising the non-budgeted funds for the welfare purposes described above for widows and orphans of SS members.

Nuernberg, 9 March 1948.

signed: Otto HOFMANN
Otto HOFMANN.

The above signature of Herr Otto HOFMANN, at present in Nuernberg, Palace of Justice, executed before me, Dr. Ewald ZAPP, Assistant Defense Counsel, is hereby certified and witnessed.

Nuernberg, 13.3.1948 .

signed: Dr. Ewald ZAPP
Dr. Ewald ZAPP.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 89

AFFIDAVIT.

I, Richard HILDEBRANDT, SS Obergruppenfuehrer and General of the Waffen SS, born on 13 March 1897 in Worms a.Rhein, at present in Nuernberg, Palace of Justice, am aware that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth according to the best of my knowledge and belief and was made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Nuernberg.

As successor of SS Obergruppenfuehrer Otto HOFMANN I was Chief of the Race and Settlement Main Office of the SS from 20 April 1943 to May 1945.

I have been shown the affidavit of Herr Otto HOFMANN of today's date concerning the monetary needs of the SS for social welfare purposes for widows and orphans of members of the Waffen SS who were killed in action, as well as ^{of} members of the General SS. This statement is correct throughout and I hereby make it my own. In particular I can also confirm that I too know from conferences with SS Oberfuehrer KRANEFUSS, with whom I talked about raising the non-budget funds which were needed for the above-mentioned social welfare purposes, that the I.G. Farbenindustrie contributed considerable donations toward raising the fund intended for these social purposes.

Nuernberg, 9 March 1948.

signed: Richard HILDEBRANDT
Richard HILDEBRANDT.

DOCUMENT BOOK 5 SCHMIDT
SCHM 72-DOCUMENT No. 89

(page - 2 - of original)

The authenticity of the preceding signature of Herr
Richard WILDBRANDT, at present in the Nuernberg
Palace of Justice , is hereby certified by me.

Nuernberg, 11 March 1948.

signed: Dr. Gg. FROESCHMANN

Dr. Gg. FROESCHMANN
Defense Counsel for Richard
WILDBRANDT.

AFFIDAVIT.

I, Fritz SCHWALM, born on 11 May 1910 in Marburg a.d.Lahn, at present in Nuernberg, Palace of Justice, am aware that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth to the best of my knowledge and belief and was made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Nuernberg.

I am familiar with the affidavit of Herr Otto HOPLANN, the former Chief of the Race and Settlement Main Office (RuSHA) of the SS of 9.3.1948 concerning the monetary needs of the SS for social welfare purposes for the benefit of widows and orphans of members of the Waffen SS who were killed in action, as well as ^{of} members of the General SS. As former Staff Leader of the RuSHA from 1.3.1941 to February 1945 I can confirm that fairly large sums in cash contributions were regularly remitted to the RuSHA by the personal staff for welfare purposes and in particular I confirm that I already knew at that time from personal conversations with the then Oberfuhrer KRAEPELUS that over a period of several years the I.G. Farbenindustrie supplied fairly large sums to the personal staff for those purposes.

Nuernberg, 24 March 1948.

signed: Fritz SCHWALM
Fritz SCHWALM.

(page - 2 - of original)

The authenticity of the preceding signature of
Herr Fritz SCHWALL, at present in the Nuernberg
Palace of Justice, is hereby certified by me.

Nuernberg, 4 March 1948 .

signed: Dr. W. HEIM
Dr. W. HEIM
Defense Counsel.

AFFIDAVIT.

I, Dr. Albrecht WEISS, residing in Heidelberg, Moltkestrasse 21, have first been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth and is made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Nurnberg.

In my capacity as Director of the Personnel Department of the I.G. Plant in Ludwigshafen I was also occupied, among other things, with the "Hermann SCHMITZ Foundation" created by the I.G. in 1940, as well as with the "Hermann SCHMITZ War Orphans Relief" founded in 1934. On the basis of official records which I have obtained I can state the following in detail concerning these foundations.

1.) At the meeting of the Vorstand of 12 December 1940 it was resolved to create a "Hermann SCHMITZ Foundation" on the occasion of the 60th birthday of Geheimrat SCHMITZ. For this purpose the I.G. furnished contributions

(page - 2 - of original)

which were intended to serve for the support and benefit of the children of employees who were killed in action and which at that time were first set at RM. 20,000 annually. The resolution further read: "Geheimrat SCHMITZ will personally make the decision every year about the relief cases in question. The Administration believes that in making this resolution it is acting in accordance with his ideas, since he is especially concerned about the alleviation of the injuries caused by the war among the I.G.'s personnel."

2.) As was reported in the I.G.'s Business Advisory Council (Unternehmensbeirats) on 28 October 1941 Geheimrat SCHMITZ had decided that the "Hermann SCHMITZ Foundation" should be used in such a way that on 1 January 1942 all the orphans from the war at that time should receive as a gift a savings book for RM. 100. These savings books were to be in conjunction with the long-term bonus savings system of the I.G. employees. Besides this the mothers or guardians were to be informed that they could apply to the Foundation if

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 91

(page - 3 - of original)

the war orphans should find themselves confronted by special emergencies.

3.) At the end of 1943 Geheimrat SCHMITZ ordered that with effect as of 1 January 1944 besides the war orphans, parents too, whose son was killed or missing in action, should receive a donation in cash amounting to RM. 100 if he was their main support.

4.) On the occasion of his 25th anniversary of service which Geheimrat SCHMITZ celebrated on 1 July 1944 the Vorstand, in consideration of the fact that Geheimrat SCHMITZ had expressly asked the firm to refrain from giving him any personal anniversary gift, enlarged the Foundation in such a way that on 1 January of each year the Foundation was to pay a

"Hermann SCHMITZ War Orphans' Relief
Donation "

of RM. 100 each to every war orphan of the I.G. and its 100% subsidiaries, or the companies bound to it by an agreement of common interests (Interessengemeinschaftsvertrag) , and this was to continue until the child in question had reached its 18th year.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT NO. 91

(page - 4 - of original)

The corresponding address of the Vorstand to Geheimrat SCHMITZ concluded with the words: "We hope that through the charitable purpose of these donations we can most readily comply with what we know to be your desire to alleviate the need of others whenever possible, and in this way also afford you personal pleasure."

5.) According to the records of the Social Department of the Ludwigshafen Plant, which was entrusted with carrying out the tasks of the Foundation for the entire I.G., as well as the other companies involved, the following payments were made by the I.G. in connection with the "Hermann SCHMITZ Foundation"

Remittances to savings accounts of war orphans	End of	1941	RM. 50.800.--
Remittances to savings accounts of war orphans	End of	1942	RM. 197.000.--
Remittances to savings accounts of war orphans	End of	1943	RM. 632.300.--
Payments to parents of factory employees killed in action		1944	RM. 11.900.--
Remittances to savings accounts of war orphans	End of	1944	RM. 417.300.--
		Total:	<u>RM. 1309.300.--</u>

The decline in remittances at the end of 1944 in comparison with 1943 can be traced to the fact that up to the collapse not all the plants

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 91

(page - 5 - of original)

and allied companies of the Ludwigshafen Social Department had prepared the necessary lists for the remittance, so that the remittance of RM. 417,300.-- comprised only a part of the contributions due.

Nuernberg, 22 January 1948

signed: Dr. Albrecht WEISS
Dr. Albrecht WEISS.

++++++

The above signature of Dr. Albrecht WEISS, residing in Heidelberg, Moltkestr. 21, was executed before me, Hanns GIERLICH, Assistant Defense Counsel before the Nuernberg Military Tribunal, which I hereby certify and witness.

Nuernberg, 22 January 1948.

signed: Hanns GIERLICH
Hanns GIERLICH.

Affidavit.

I, Dr. Hans Globke, born 10.9. 1898 in Düsselndorf, residing in Aachen, Boxgraben 48, know that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that my statement is true to the best of my knowledge and belief and was made to be presented in evidence before the Military Tribunal at the Palace of Justice in Nurnberg, in Case VI.

Beginning 1929 I have been working as a specialist for constitutional matters at the Prussian Ministry of the Interior and from 1932 until the consolidation of the Prussian Ministry of the Interior with the Reich Ministry of the Interior in 1934 I headed the department that dealt with constitutional matters. It was one of my tasks to carry out the Reichstage elections in Prussia. From this work I know the following:

In the last Reichstag 1933, in which several parties were represented, a number of representatives, who had been elected on the list of other parties became ~~guest~~-representatives (Hospitanten) of the NSDAP. The guest-relationship was established partly upon request of the representatives concerned, but partly also without their consent and against their will.

- 2 -

In setting up the list of candidates for the first Reichstag elected on the one-party system, the leadership of the NSDAP considered it also practical to include in the Reichslist of candidates a number of prominent personalities not belonging to the NSDAP from various groups of the population, who after the election were listed as guest-representatives (Gespitanten). These persons were selected by the Reichsleadership of the NSDAP. As far as I remember, Reichminister Dr. Frick as chairman of the Reichstags-Fraktion submitted the nominations to Hitler for approval. The technical setting up of the list was in the hands of Dr. Fabricius, Department Chief at the Reichs Ministry of the Interior, who was manager of the Reichstags-Fraktion. To my knowledge this procedure was carried out similarly up to the last Reichstag election. It is known to me that Geheimrat Schmitz belonged to those personalities who in this manner became members of the Reichstag.

Munich, 26 February 1948

Signed: Dr. Hans Globke,

DOCUMENT BOOK V SCHMITZ
DOCUMENT No. 92

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The above signature of Herr Dr. Hans Globke, Aachen,
Boxgraben 48, whose identity was established by me, Dr.
Rudolf Dix, is, herewith, certified and attested by me.
Nurnberg, 26 February 1948

signed: Dr. Rudolf Dix

Defense Counsel

Affidavit.

I, Peter Krommuller, employee with the I.G. Control Office in Frankfurt/Main and manager of the Central Archive-Dop. in Frankfurt/Main - Griesheim, residing Frankfurt/Main, Lerenerstrasse 31, after having been warned that I make myself liable to punishment by rendering a false affidavit, state and declare that my statement in lieu of oath is true and was made to be presented in evidence before the Military Tribunal VI at the Palace of Justice in Nurnberg, Germany.
I declare the following in lieu of oath:

The attached copy conforms to the original record available at the Records Building of the I.G. Control Office in Frankfurt/Main-Griesheim.

Frankfurt/Main-Griesheim, 17 March 1948

signed: Peter Krommuller

The above signature of Herr Peter Krommuller, residing Frankfurt/Main, Lerenerstr. 31, whose identity was established by me, Hanns Gierliche, is, herewith, certified and attested.

Frankfurt/Main, 17 March 1948

signed: Hanns Gierliche
Hanns Gierliche

Assistant Defense Counsel in Case VI
with the Military Tribunal in Nurnberg

- 2 -

Copy

I.G. Farbenindustrie Aktiengesellschaft.

The chairman of the Verwaltungsrat.

Leverkusen - I.G. plant

13 November 1933

Herr Geh. Kommerzienrat Dr. Hermann Schnitz

B e r l i n N W 9

Unter den Linden 78

My Dear Herr Geheimrat,

As you have already heard at the meeting of the Verwaltungsrat of our I.G. from the 10th of this month, it is agreed that you should accept the Reichstage-mandate offered to you.

In Friendship

signed: Dr. C. Duisberg

DOCUMENT BOOK V, SCHMITZ
DOCUMENT # . 94

Kuarnberg, 31 March 1948

C e r t i f i c a t e .

I, Hanns Gierlich, Assistant Defense Counsel in Case VI, US-
Military Tribunal No. 6, herewith, certify that the attached
document consisting of

2 photographed pages

called Register of the Members of the Greater German Reichstag
is a word by word photo copy from
the book "Der Grossdeutsche Reichstag" IV Election period,
Beginning on 10 April 1938, prolonged to the 30 January 1947,
R. v. Dockers ^b Publisher G. Schenk, Berlin.

signed: Hanns Gierlich

Attorney at Law

Register

of members of the Greater German Reichstag
(876 Representatives)¹

- St. Adolf: 31 October 1943 -

National Socialist German Workers Party (NSDAP)

869 members, 7 guests *)

Leader of the Faction: Dr. Frick

Manager of the Faction: Dr. Fabricius

Deputy Manager of the Faction: Dr. Fischer (Berlin)

Ackermann	Beunert	Bohle
Ablenau	Becker (Frankfurt)	Bohnens
Ahorn	Dr. Becker (Hamburg)	Bolok
Akt	Beckerlo	Bonbrich
Dr. Albrecht	Beck	Bornann (Berlin)
Aldinger	Dr. Behrends	Bornann (Munich)
Altenburg	Dr. Bennecker	Born
Altendorf	Borchold	Bornemann
Altner	Bergner	Boschmann
von Alvensleben	Berger	Bouhler
Anann	Berkelmann	Brecht
Appler	Bertram	Brandner
Arndt	Boyer	Brass
Arnold	Biederer	Dr. Braun
Asmann	Biedermann	Brauner
Ay	Bielefeld	Bredow
	Bimie	Breitenstein
	Binz	Breithaler
von dem Bogen	Birke	Breyman
Bachmann	Graf von Bismarck-	Brockhausen
Baer	Schoenhausen	Brueckner (Berlin)
Beckner	Bisse	Brueckner (Glogau)
Band	Blaschke	Brusch
Dr. Bang *	Bloedorn	Dr. Bubner
Barnmann	Dr. Blome	Buch
Dr. Freiherr von	Bochmann	Buchner
Bardolff		
von Barisani	Bock	Buerckel
Barth	Boeckenhauer	Baerger
Barthol	Boehme	Bunge
Bauer (Dortmund)	Boerger (Berlin)	Dr. Burckhardt
Bauer (Dresden)	Berger (Duesseldorf)	Busch
Bauer (Munich)	Bornson	Busse
Baumann	Boosing	Dr. Buttman

1) 15 seats not occupied at present

*) Guests of the NSDAP - 14
(130)

- 2 -

Register of members:

Paschold	Reckworth	Dr. von Sarnhorn-
Paul	Reckmann	Frankenberg
Peitsch	Recknagel	Saudner (Reichenberg)
Penghorn	Redies	Sauckel
Pepor	Reichelt	Sauer
Poppmoller	Reiner (Darmstadt)	Saupt
Poschke	Reinhard (Spandau)	Scheaf
Dr. Poschke	Reinhardt (Berlin)	Schach
Petersell	Reinhardt (Kittols-	Schaeffler
	thal)	
Petersen (Hamburg)	Dr. Reinhardt (Mel-	Schaefer-Hanson
Petersen (Munich)	gen	Schaller
Petzold	Reinhart (Wuerzburg)	Schaper
Pouckert	Reinke	Scharizer
Dr. Pfaff	Rhinthaller	Scharne
Pflaumer	Dr. Reischle	Schattenfroh
Pfloom	Reisinger	Schats
Dr. Pfeiner	Reiter	Schaub
Pfroege	Rombe	Dr. School
Pickareki	Dr. von Rentsch	Schoitner
Pirker	Rentschler	Schopmann
Plankenstein	Roschay	Schickelberg
Plattner	Rothel	Schiffmann
Plerin	Graf zu Raventlow	Dr. Schilling
von Podolski	von Rheden	von Schirach
Poel	von Ribbentrop	Schirmer
Reinhardt	Richter (Frankfurt)	Schleich
Popp (Frankfurt)	Richter (Wien)	Schlomer
Popp (Stettin)	Riecke	Schlossmann
Dr. Portashy	Ried	Dr. Schlusprocht
Post	Riggauer	Schmalz
Poxleitner	Ritter	Schmauser
Dr. Preibach	Roden	Schmeer
Preiss	Rodenbacher	Schmelcher
Preiseler	Roehn	Schnelt
Prouss	Roehrich	Schmid (Baden-Liedon-
Prinz von Preussen	Roemer	donau)
Prokop	Dr. Rosche	Schmidt (Karlsruhe)
Proksch	Rosenberg	Schmidhofer
Prutzmann	Roth (Baden)	Schmidt-Bodenstedt
Puth	Roth (Liedelsheim)	Schmidt (Bottrop)
	Dr. Ing. Roth	Schmidt (Neuhelm)
	(Strassburg)	Schmidt (Stuttgart)
Quadflieg	Ruberg	Schmidtke
Rabe	Ruckleschel (Bay-	Schnitt (Berlin)
	reuth)	
Raber	Ruckleschel (Pots-	Schnitt (Staudern-
	dan)	heim)
Radomacher	Ruchle	Schnitt (Trier)
Dr. Rainer (Kla-	Dr. Ruppin	Dr. Schmitz*
genfurt)		
Rakobrandt	Rust	Schmeckle
Rappoll		Dr. Dr. Schmo
Rau	Saell	Schneider (Eckersdorf)
Router	Salzmann	Schneider (Munich)

DOCUMENT BOOK V: SCHMITZ
DOCUMENT No. 95

Copy

NS Reichstage Faction

Berlin, NW 40, 8 Dec. 1938

The Faction-Leader

Koenigsplatz 6

Circular note to all Reichstag-Representatives.

Re: Inquiries by foreign newspapers.

During the Czech crisis a foreign newspaper has directed a request to all members of the Reichstag to give an opinion on one of the questions then in the balance. Fortunately none of the representatives has as far as is known, complied with this request.

However, in order to remove any doubt for the future as to the procedure to be observed in such cases, I bring to the attention of the members and guests of the Faction Order No. 183/38 by the Deputy of the Fuehrer from 24 November 1938 - II B - PS., of which a copy - not for publication - is enclosed.

Heil Hitler!

signed: Frick

1 Enclosure

Affidavit.

I, PETER KRONMUELLER, employee of the I.G. Control Office in Frankfurt/Main and manager of the Central-Archives Frankfurt/Main, Lersnerstr. 31, after having been warned that I make myself liable to punishment by rendering

- 2 -

a false affidavit, state and declare that my statement in lieu of oath is true and was made to be presented in evidence before the Military Tribunal VI at the Palace of Justice in Nuernberg, Germany.

I declare the following in lieu of oath:

The above copy with 1 enclosure is conform^{ant} to the records available at the Records Building of the I.C. Control Office in Frankfurt/Main-Griesheim.

Frankfurt/Main-Griesheim, 17 March 1948

signed: Peter Kronmueller.

The above signature of Herr PETER KRONMUELLER, residing in Frankfurt/Main, Lorenstrasse⁸⁰ 31, whose identity was established by me, Hans Gierliche, is, herewith, certified and attested by me.
Frankfurt/Main, 17 March 1948

signed: Hans Gierliche

- 3 -

Copy

National Socialist German Workers Party (NSDAP)

The Deputy of the Fuehrer
Staffleader

Munich 33,
24 November 1938
Brown House

II B- Fa. -

Order No. 183/38

(Not for Publication)

Re: Inquiries by foreign newspapers.

In some countries abroad it is customary for newspaper editors to conduct an inquiry among prominent readers to solicit their ^{on} opinions acute questions of foreign policy, in order to publish them in their papers these mostly quite private and unauthorized utterances. Since the questions are almost always put subjectively and since the publication of the answers is entirely left to the discretion of the editor, who naturally will publish only such utterances that are in accord with his own political views, authoritarian National Socialist rejects such methods as liberalistic. They remain, however, immaterial to us as long as countries abroad tolerate them among themselves.

However, if editors of foreign newspapers should approach leading National Socialists in the Reich, as has been the case ⁱⁿ recently, then such inquiries are on order of the Deputy of the Fuehrer to be left unanswered.

- 4 -

Opinions on problems of foreign policy that are in the balance are issued only by the Fuehrer or competent authorities expressly ordered by him to do so.

I request most careful observation of this order.

Should requests of this kind be made by editors of foreign papers, please notify the Deputy of the Fuehrer immediately.

signed: M. B o r n h a n n

Per Signature

Distribution: III b

APPIDAVIT.

I, Wilhelm ZANGEN, residing at 6-8 Cecilienallee in Duesseldorf, am aware that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement represents the truth to the best of my knowledge and belief and was made in order to be submitted as evidence to the Military Tribunal in Nuernberg.

In my capacity as general manager of the Mannesmannroehren-Werke I was appointed in 1938 head of the Reich Group Industry.

Up to the time when Geheimrat SCHMITZ was called to the inner advisory council ("Engere Beirat") of the Reich Group Industry, which was likewise formed in 1938, I knew him only slightly and, aside from occasional business meetings, I have not maintained any closer connection with him either in business or in private life in later years either.

Herr SCHMITZ, as far as I remember, was called to the inner advisory council of the Reich Group Industry at about the end of 1938, and that at my suggestion. In accordance with my statements above, this my suggestion was based not on a close acquaintance of the person of Geheimrat SCHMITZ, but was made in consideration of the fact that the largest German industrial enterprise should be adequately represented in the organizations of the Reich Group Industry. Geheimrat SCHMITZ has attended the meetings of the Reich Group Industry on relatively few occasions, and then usually only as a silent listener, which was somewhat to my surprise. In general Geheimrat SCHMITZ became interested and

(page - 2 - of original)

and took part in the conversations if the discussion involved financial questions. Thus I remember that he expressed his opinion in regard to the questions of prices , which for some time was a main subject in the discussions of the Reich Group, and also to the question of profit realization and the shaping of the law concerning corporations and concerns. Consequently I gained the impression that Herr SCHMITZ was only interested in those questions which probably in the I.G. likewise comprised his real field of work, and that he was only willing to express his opinion in regard to these questions in the frame of our own work.

Duesseldorf 5 March 1948.

signed: Wilhelm ZANGEN.

I herewith certify and attest the above signature executed by Wilhelm ZANGEN, Duesseldorf, Cecilienallee 6-8, whose person I have identified.

Duesseldorf 5 March 1948.

signed: Wolfgang POHLE.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 97

AFFIDAVIT.

I, Dr. med. Heinrich SINGER, residing at house No. 148 in Redwitz, Rural District of Lichtenfels in Upper Franconia, am aware that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement represents the truth and was made in order to be submitted as evidence to the Military Tribunal in the Nuernberg Palace of Justice.

In the fall of 1933, after previous activity as a medical doctor, I was called in official capacity, as medical expert, to the Health Insurance Institution and, beginning in 1936, to the Provincial Health Insurance Institution in Berlin in the same capacity, and finally, I worked as a medical advisor in the communal office of the German health insurance companies in the Reich Health Insurance Office. Following the destruction of my country-home in Berlin-Dahlem and after my retirement for reasons of health, I came to my home in Franconia, where in 1945 I again established myself as a medical doctor in Redwitz on the Rodach.

Geheimrat SCHMITZ was suffering on an abdominal tumour above the left groin, which at the beginning of 1941 suddenly began to suppurate; I was consulted and assumed the treatment. An operation was not necessary, the conservative treatment with daily dressings compelled the patient to remain in his apartment for several weeks and to keep resting as much as possible; as a result of this measure the ailment was actually cured. During the following years, however, apparently caused by the harmful effect of influences connected with his journeys by railway or automobile,

(page - 2 - of original)

the wound broke open again and again and developed into a fistula which necessitated the renewed treatment and a warning to rest. Only when with my consent Geheimrat SCHMITZ completely discontinued his journeys the wound finally closed.

Another reason , however, for my suggestion to discontinue travelling on the scale he was previously accustomed , was the fact that I knew Herr SCHMITZ was suffering of an intestinal ailment , and the importance which I had to attach to this in view of the changes in food which are necessary while travelling. Herr SCHMITZ was suffering of a probably scarred contraction of the rectum, resulting from a previously cured inflammation. This had compelled him to a careful observance of a diet, which was not unusual but uniform as to cooking and could only be prepared in the own house, and furthermore it also compelled him to take always the same beverages. A change of these habits, which became increasingly inevitable on journeys during the final years of the war, could lead to irregular bowel movements, which in view of the type and degree of the complaint might become fatal for the sufferer.

I wish to add, that Geheimrat SCHMITZ did everything in his power to conceal even from the members of his family the nature and seriousness of his complaint. He did not wish that other persons surrounding him, and in particular his professional colleagues, should know of it at all. This attitude resulted from an overpowering fear that conclusions might be drawn from the nature of his complaint which would have thrown a misleading light on his

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 97

(page - 3 - of original)

remaining capacity for work. To this was added his general dislike of being publicly discussed at all, or of drawing attention to himself in any way.

Redwitz on the Rodach, 21 March 1948.

sgd.: Dr. Heinrich SINGER

Dr. Heinrich SINGER.

The above signature of Dr. Heinrich SINGER, residing at Redwitz No. 148, Rural District of Lichtenfels in Upper Franconia, whose identity was established by me, Hanna GIERLICH, is hereby certified and attested.

Redwitz on the Rodach, 21 March 1948.

sgd.: Hanna GIERLICH

Hanna GIERLICH

Assistant Defense Counsel.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 98

AFFIDAVIT.

I, Paula ESTER, residing at Heidelberg, Schloss
-Wolfsbrunnenweg 33a, know that I make myself liable
to punishment if I make a false affidavit. I hereby
state in lieu of oath that the following statements
correspond to the truth according to the best of my
knowledge and belief ^{and} that they were made in order
to be submitted as evidence to the American Military
Tribunal at Nurnberg in Case VI (I.G. Farbenindustrie
Aktiengesellschaft).

Since 1918 I was employed first by the Badische Anilin-
u. Soda-Fabrik, Ludwigshafen on Rhine, and from
the year 1926 until the German collapse in 1945 by
the I.G. Farbenindustrie Aktiengesellschaft. I have
worked as secretary to Geheimrat SCHMITZ since 1928.

After about August 1943 Geheimrat SCHMITZ practically
did not leave Heidelberg at all any more. Although
he did undertake occasional short trips to Frankfurt
or Ludwigshafen, he did not - as far as I remember -
visit either Berlin or Central Germany after this date,
nor did he undertake any more trips to the Ruhr Terri-
tory, excepting a trip to Cologne on occasion of the
anniversary of Generaldirektor Dr. Paul MUELLER.

Nuernberg, 15 March 1948.

sgd.: Paula ESTER,
Paula ESTER.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 98

(page - 2 - of original)

The preceding signature of Fraulein Paula ESTER, residing at Heidelberg, Schloss -Wolfsbrunnenweg 33a, whose identity was established by me, Hanna GIERLICH, is hereby certified and attested.

Nuernberg, 15 March 1948.

sigd.: Hanna GIERLICH
Hanna GIERLICH
Assistant Defense Counsel.

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 99

AFFIDAVIT.

I, Dr. jur. Eugen FRENTZEL, residing at Frankfurt o.M., Grillparzerstrasse 72, have first been warned that I make myself liable to punishment by making a false affidavit. I state in lieu of oath that my statement corresponds to the truth, and was made to be submitted as evidence to the Military Tribunal VI at the Palace of Justice at Nuernberg, Germany.

From the beginning of 1920 until August 1945 I was an employee of the Badische Anilin- & Soda Fabrik at Ludwigshafen on Rhine, that is to say after the merger of 1925 of the I.G. Farbenindustrie Aktien - gesellschaft, Frankfurt o.M., and from June 1926 until 17 August 1945 I was active as prokurist in the Central Tax Department, Frankfurt o.M. At present I am working in the office of the Defense at Frankfurt o.M.-Griesheim.

I have been requested by Defense Counsel Hanns GIERLICH to make a compilation of the amounts of the donations made by Geh. Rat Dr. Hermann SCHMITZ from his personal funds during the years 1940 to 1944, as well as of the netto income which accrued to him during the above war years from his professional activity. Based on the files of Geh. Rat Dr. SCHMITZ, located in the Records Building of the Control Office at Frankfurt o.M., I have ascertained the following:

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No.99

(page - 2 - of original)

- I. During the years 1940 to 1944 Geh.Rat SCHMITZ had a taxable income as shown in Column 2 below, of which the amounts shown in Column 3 pertained to salary and bonuses. Of the total taxes shown in Column 4, the amounts shown in Column 5 pertain to the salary and bonuses shown in Column 3. They were computed proportionately from the relationship between the total income and the salary and bonuses, and were rounded up to full RM. 100.00. Thus the netto compensation shown in Column 6 was calculated.

Year	Total Income	Salary and Bonuses	Total Taxes	Taxes on Salary and Bonus- es
1	2	3	4	5
1940	405.000	262.188	222.675	143.600
1941	398.661	252.994	218.385	138.500
1942	390.128	247.883	218.106	136.000
1943	409.853	248.112	233.236	140.900
1944	406.525	247.504	231.355	140.500
	2.010.167	1.258.681	1.123.757	699.500

Year	Netto Compensation from Salary and bonuses
1	6
1940	118.500.--
1941	114.400.--
1942	111.800.--
1943	107.200.--
1944	107.000.--
	558.900.--

The figures for the year 1944 were obtained from the Income Tax Statement or were computed, however they confirm to the Income Tax Bill not contained in the files located here.

(page - 3 - of original)

From the netto compensation shown in Column 6 the pertinent Church Taxes for the years 1940 to 1942 (1st half year) and the pertinent Citizen's Taxes must be deducted. The files available here do not seem to contain all the documents necessary for a computation of these taxes. In this connection it must be taken into consideration that Geh.Rat SCHMITZ had more than one residence, i.e. in Berlin, Heidelberg and Ludwigshafen, and that different tax rates were assessed in these cities during the time in question.

- a) In the case of the Church Tax an average rate of 8% is assumed; based on the total taxes for salaries, amounting according to Column 5 to a total of RM. 699.500.00, this results in a Church Tax of appr. RM. 55.900.00.
- b) The Citizen's Tax for the years 1940 to 1942 (30 June), at a tax rate application of RM. 1.000.00 for incomes between RM.250.000.-- and RM. 500.000.00 and a tax rate of 600%, amounted to RM. 15.000.00. Of this, according to the proportion between Columns 2 and 3, appr. 2/3 or RM. 10.000.00 pertain to the income from salary and bonuses.

After deduction of the pertinent Church and Citizen's Taxes, amounting to RM. 65.900.00, there remains for the years 1940 to 1944 a net income from salaries and bonuses amounting to appr. (RM.558.900.00 ./ 65.900.00) RM.493.000.00.

- II. Already during the period preceding 1933 Geh.Rat SCHMITZ made large amounts available for communal and charitable purposes. In particular

(page - 4 - of original)

he created foundations for the advancement of the Liebig-Oberrealschule, Darmstadt, the Humboldt-Oberrealschule, Essen, and the Friedrich-Stift (Home), Heidelberg, during the years 1928 and 1929. All of which also received larger donations in later years. In 1931 he created the "Hermann SCHMITZ-Foundation for Employees" with a donated capital of RM.300.000.00, and in the same year he for instance made RM.30.000.00 available for a Xmas donation for Berlin children. During the war years he made the following donations out of his own means; partly to already existing foundations, and partly to ones newly created on the occasion of his 60th birthday:

1.) School Donations

(For the aid of needy scholars)

a) Liebig-Oberrealschule, Darmstadt

5 Jan.42, nom.RM.5.000.00 IG bonds	
at appr. 120%	RM.6.000.00

b) Humboldt-Oberrealschule, Essen

5 Jan.42, nom.RM.5.000.00 IG bonds	
at appr. 120%	RM.6.000.00
Over	RM.12.000.--

DOCUMENT BOOK5 SCHMITZ
SCHMITZ-DOCUMENT No. 99

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Carried Forward RM.12.000.--

2.) City Donations

(for the care of needy survivors
of the war dead)

a) "Geh. Rat Dr. Herm. SCHMITZ-Foundation City of Darmstadt"			
31 Dec. 40		RM. 20.000.--	
31 Dec. 41		" 20.000.--	
8 Dec. 41	Special donation	" 2.000.--	
b) "Geheimrat Dr. Herm. SCHMITZ-Foundation City of Heidelberg"			
31 Dec. 40		RM. 20.000.--	
31 Dec. 41		" 20.000.--	
8 Dec. 41	Special donation	" 5.000.--	
27 Nov. 44	" "	" 4.000.--	
c) "Geh. Rat Dr. Herm. SCHMITZ-Foundation City of Ludwigshafen"			
31 Dec. 40		" 20.000.--	
31 Dec. 41		" 20.000.--	
8 Dec. 41	Special Donation	" 5.000.--	
30 Dec. 44		" 25.664.05	
d) "Geh. Rat Dr. Herm. SCHMITZ-Foundation City of Kitzbuehel"			
7 Aug. 43		" 17.576.50	
7 Aug. 43	Special Donation	" 1.000.--	
e) "Hermann u. Margarethe SCHMITZ- von Mallinckrodt-Foundation City of Wesel"			
8 Feb. 44		" 30.000.--	

3.) "Hermann u. Margarethe SCHMITZ-Foundation"

G.m.b.H. , Ludwigshafen on Rhine

The beginnings of this foundation for the aid of needy employees, in the event of pregnancy and child birth by their wives, go back to earlier years. The account "Geh. Rat. Dr. SCHMITZ-Foundation", which was kept by the plant accounting office at Ludwigshafen, showed a balance of RM. 107.525.75 at the end of the year 1940.

In order to increase the capital of the Foundation to RM. 150.000.--, Geheimrat SCHMITZ - on 19 Dec. 40 - made an additional contribution in the amount of

RM. 42.474.25

This amount was transferred to the "Hermann u. Margarethe SCHMITZ-Foundation G.m.b.H.", which had been created on 16 Dec. 40. On 31 Dec. 41 Geh Rat SCHMITZ transferred to the Foundation.

Over

RM. 262.714.80

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 99

(page - 6 - of original)

Carried forward RM.262.714.80

for expenses incurred by it in fulfilling
its purpose in the year 1941, another sum
of

RM. 4.407.15

RM.267.122.00

- 4.) In addition to these contributions to the Foundations he had created, Geh.Rat SCHMITZ also placed considerable sums at the disposal of appropriate organizations for other communal and charitable purposes, as well as at the disposal of private persons directly, during the years 1940 to 1944, as he had done in pre-war years. According to the compilation included in the files, the total of the contributions for such purposes, exclusive of the items mentioned under Nos. 1 to 3, amounts to

1940	1941	1942	1943	1944	TOTAL:
RM.24.000.--	56.328.--	47.953.--	45.440.--	45.191.--	218.922

- 5.) According to the above compilations Geh.Rat Dr. SCHMITZ spent during the years 1940 to 1944 for communal and charitable purposes

according to Nos. 1 to 3	RM. 267.122.00
according to No. 4	<u>" 218.922.00,</u>
in all :	RM. 486.044.00.

That is to say, only appr. RM. 7.000.-- less than his income from his position of chairman of the Vorstand of the IG Farbenindustrie AG, after deduction of the Income, Citizen's and Church Tax which was payable on the same.

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III. It is again stressed that the above figures only include contributions made by Geh.Rat Dr. SCHMITZ out of his own means. They do not include the sums by which the Foundations created by him benefited at his request, whether they originated from Aufsichtsrat bonuses, which he waived, or from endowments which were made during the war on the occasions of his 60th birthday and the 25th anniversary of his service. The total amount of these latter contributions during the years 1940 to 1944 amounts to appr. RM. 586.000.--.

The sums by which the Foundations created by Geh. Rat SCHMITZ benefitted, and the further amounts which he expended for communal and charitable purposes, thus amount to more than RM. 1.070.000.-- for the years 1940 to 1944. This does not include the earlier contributions to the school foundations amounting to appr. RM. 135.000.--, and the "Hermann Schmitz-Foundation for Employees" in the sum of RM. 300.000.--, nor the other earlier expenditures for communal and charitable purposes.

Frankfurt o.M., 17 March 1948.

sgd.: Dr. Eugen FRENTZEL .

DOCUMENT BOOK 5 SCHMITZ
SCHMITZ-DOCUMENT No. 99

(page - 8 - of original)

The preceding signature of Dr. jur. Eugen PRENTZEL, residing Frankfurt o.M. , Grillparzerstrasse 72, whose identity was established by me, Hanna GIERLICH, is hereby certified and attested by me.

Frankfurt o.M., 17 March 1948.

sgd.: Hanna GIERLICH.

AFFIDAVIT.

I, Pastor D. Theodor OESTERREICHER, retired, residing at Heidelberg, Rottmannstrasse 2-4, know that I make myself liable to punishment by making a false affidavit. I state in lieu of oath, that to the best of my knowledge and belief the following statements correspond to the truth, and that they were made in order to be submitted to the American Military Tribunal, Nuernberg, in Case VI (I.G. Farbenindustrie Aktiengesellschaft) as evidence.

From 1927 to 1942 I was the pastor of the Evangelical parish Heiliggeist II here in Nuernberg, to which Geheimrat Dr. Hermann SCHMITZ belonged as he resided in it. He always assisted me loyally in my ecclesiastical work, and he was always generous in regards to the care for the sick and the poor. I never asked him in vain. People even came from out of town to ask me to intercede with Geheimrat SCHMITZ for them, and also in these cases did he give generous aid. For instance, merely at my request, and without being in any way obligated, he entirely supported a needy woman until the end of the war, merely out of Christian charity. There was not the least change in his attitude towards the Church and in his charity after 1933. As far as I came to know Geheimrat Dr. SCHMITZ, he only wished to do his duty according to his conscience.

Heidelberg, 30 March 1948.

sgd.: D. theol. Theodor OESTERREICHER,
Pastor, retired.

DOCUMENT BOOK 5 SCHNITZ
SCHNITZ-DOCUMENT No. 100

(page - 2 - of original)

CERTIFICATE.

The conformity of the above copy with the original
submitted is certified.

Heidelberg, 31 March 1948.

RM. 2.00
Revenue Stamp

Notariate IV
Justizrat
Dr. MUENZENBERGER
as Notary .

CERTIFICATE OF TRANSLATION

April 1948

We, Joseph E. Goesser, Fred Salomon, John B. Robinson, Hanns Ed. Gleichman and Adolph Lusthaus hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Document Book 5 Schmitz.

Hanns Ed. Gleichman
A-443029

Adolph Lusthaus
B 398010

John B. Robinson
H-046350

Joseph E. Goesser
B 397993

Fred Salomon
A-446622

-101a-
" E n d "

257
Case 6
Defense

Supplement
to
Document Book V

Schmitt

Volume V
(Doc. 108-110
p.p. 1-8)

Submitted by
Defense Counsel
Dr. Rudolf Dix

Tung



I n d e x

to Supplement for Document Book Schnitz V

Doc. 108 - 110, p.c. 1-8

Schnitz Exh. No.	Analysis of document	Page
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108	<p>Affidavit of Dr. Kurt Krusper, dated 8 April 1948. The affiant, who had worked for the I.G. since 1938, and among others, held the position of head of the Central Finance Administration of the I.G. states the following:</p> <p>"During the course of my activities I had regular official and personal contact with Geheimrat Schnitz, and it was noteworthy that he frequently called upon me to discuss various matters with him personally."</p> <p>The affiant comments upon the type of work executed by Schnitz in his capacity as Chairman of the Vorstand of the I.G. which was characterized by his main quality, i.e. modesty and restraint. "He never actually 'ruled' in the sense of intervening." "He allowed his colleagues much independence and never interfered in their work." "..... Consequently he restricted himself for the most part to his own sphere, i.e. that of finance and balance sheets." The affiant points out, that in view of his international activity, Schnitz spent a large part of his time abroad, prior to the war.</p> <p>In conclusion he sums up as follows: "It may largely be ascribed to the democratic regime and methods of work prevailing in the I.G. Vorstand, that a man like Schnitz, who had no desire to assert himself and was completely unassuming and rather showed a lack of ambition."</p>	1
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Schmitz No.	Exh. No.	Analysis of document	Page
108 (cont)		in problems which did not concern his own province was nevertheless highly respected as chairman of the Vorstand and was able to perform many useful and beneficial deeds.	
109		<p>Affidavit of Paul Decker, dated 15 April 1948, head of the Central Accounting Office of the I.G. since 1931. The affiant reports on the auditing of the annual balance sheets of the subsidiary companies of the I.G. and the distribution of the auditing reports. "Forwarding the auditing reports to Geheimrat Schmitz was done for the purpose of accumulating reference material in the office of Geheimrat Schmitz in Berlin and later in Heidelberg apart from doing so in the archives of the Central Accounting Office in Frankfurt....."</p> <p>"With the immense amount of material collected and due to the numerous tasks of Geheimrat Schmitz, he could hardly be expected to find time to study or ever read each individual report....."</p> <p>"Therefore, in the letter accompanying these auditing reports, it was customary for me to give a brief analysis of their most essential points which was to serve as information on the financial position of the companies concerned and which was sufficient for a general estimate."</p> <p>The affiant further points out that due to exigencies of war, long delays were experienced in drawing up balance sheets; thus for example, reports for 1943 could be submitted to Geheimrat Schmitz only during the last quarter of the year 1944.</p>	4

Schmitz No.	Exh. No.	Analysis of document	page
110		Affidavit of Pastor Bernhard Boehricht, dated 30 March 1948. The affiant, who held a leading position in the "Confessional Church" comments on defendant Schmitz's relations to the Protestant church and the assistance he gave to it for social welfare. He sums up his judgment of Geheimrat Schmitz by saying: "he always impressed me favorably as a refined person possessed of inner virtue, a disciplined and warmhearted man" "Whenever I met Geheimrat Schmitz, I could not fail but have the impression that in accordance with his convictions, he must certainly be included amongst our people i.e. those circles adhering to the Evangelical Church."	6

111
 Excerpt from the minutes of the
 Vorstand Meeting held on 28 May in
 10.00 hours, at the Administrative
 Building at Frankfurt/Main

3/10
5

Certified herewith that all documents contained in this
supplementary Document Book are true and correct copies of the
originals submitted to the tribunal.

Nuernberg, 26 April 1948

(signed) Dr. Rudolf Dix

Attorney at Law

A f f i d a v i t

I, Dr. Kurt Krueger, resident in Remholz, Krs. Schluechtern, being aware that I render myself liable to punishment if I submit a false affidavit herewith declare under oath that to the best of my knowledge and belief the following statement is true and was made to be submitted as evidence before Military Tribunal VI Case 6 (I.G. Farbenindustrie A.G.) in the Palace of Justice, Nuernberg.

Since approx. 1938 I was working in the I.G. Farbenindustrie Aktiengesellschaft, and amongst other things was head of the Central Finance Administration I.G. Berlin NW-7, which was the main office for dealing with the financial affairs and transactions of the I.G. During the course of my work I had regular official and personal contact with Geheimrat Schnitz, and it was noteworthy that he frequently called upon me to discuss various matters with him personally.

I have been asked by the defense in the I.G. trial to describe the type of work executed by Geheimrat Schnitz in his capacity as Chairman of the Vorstand of the I.G. Schnitz' work as Chairman of the Vorstand was characterized by his main features, his modesty and restraint. He was not only restrained in his contact with others, but also when directing affairs. He actually never "ruled" in the sense of active intervention.

He never gave orders, seldom had instructions issued, and only reached decisions very hesitantly. (This

quality of reluctance had the advantage of avoiding hasty decisions and in my opinion, was the reason why an influx of party representatives into the administration of the I.G. could be averted again and again, and that the I.G. could also hold itself aloof from the varied aims and developments under the Nazi regime, and thus maintain a certain amount of interval independence).

He allowed his colleagues much independence, and never interfered in their work. If they found it necessary to inform him of their work, then this was done in my opinion more out of sheer desire to pass on some interesting information, rather than to hear his opinion, or to invite his decision. Consequently he restricted himself for the most part to his own sphere, that of finance and balance-sheets. Drawing up of balance-sheets, planning and execution of the various, and sometimes rather new methods of financing and company promotion took up the majority of his working time. For this reason he only came for a few days to Frankfurt, the headquarters of the administration, when the meetings held every four to six weeks took place. As far as I know, he never visited the plants, unless, as was once the case in Louisa for instance the I.G. meetings were as an exception transferred to a plant, in order to offer the Aufsichtsrat the opportunity of visiting a plant.

Schmitz devoted the greater part of his time in endeavouring to develop the I.G. Chemie Basel on suitable lines. Its original structure which meanwhile was no longer in keeping with international economic conditions which had changed, had become an object of constant observation and new calculation for him.

Before the war Schmitz spent much of his time abroad. Tedious negotiations sometimes dragging over a period of weeks or months with nitrogen manufacturers abroad, about the conclusion and structure of the International nitrogen agreement, held his keenest interest and attention, and took up much of his time.

It must largely be ascribed to the democratic regime and working methods prevailing in the I.G., that a man like Schmitz, who had no desire to assert himself, and who was completely unassuming, and somewhat lacking in ambition in all problems which did not lie within his own province, was nevertheless greatly respected as Chairman of the Vorstand and was able to perform useful and beneficial deeds.

Nuernberg, 8 April 1948

(signed) Kurt Krueger

Herewith certified and witnessed the foregoing signature of Dr. Kurt Krueger resident in Remholz, Kra. Schluechtern known and identified by me Henna Gierliche.

Nuernberg, 8 April 1948

(signed) Henna Gierliche

Assistant Defense Counsel

A f f i d a v i t

I, Paul Heinrich Dencker, born on 14 October 1890, resident in Kromberg im Taunus, Graitstrasse 16, since 1927 Honorary Director of the I.G., Frankfurt/Main, and since 1931 Director of the Central Accounting Office, being aware that I render myself liable to punishment if I submit a false affidavit, herewith declare under oath that to the best of my knowledge and belief my statement is true, and was made to be submitted as evidence before the Military Tribunal Palace of Justice, Kromberg.

The annual balance sheets of the domestic companies which may be considered subsidiary companies of the I.G. Farbenindustrie A.G. with the exception of less important cases were audited each year since 1932 by the Chemie Revisions and Treuhänder G.m.b.H. or other auditing companies and auditors. In so far as they were joint stock companies they were subject to compulsory auditing according to the provisions set forth in the Corporation Law. In the case of other companies, auditing was a voluntary measure introduced by the Verwaltungsrat of the I.G.

The Central Accounting Office of the I.G. received a few copies each time of the auditing reports, which were distributed to those persons entrusted with the supervision of the company concerned. Herr Geheimrat Dr. Schmitz received a copy.

This involved - 80 - 100 annual auditing reports of home enterprises, in addition to which Herr Geheimrat Dr. Schmitz received up to 60 auditing reports of the annual balance sheets in the I.G. books each year, and occasional reports of the audited balance sheets of enterprises abroad.

In so far as it concerned auditing reports of joint stock companies of which Herr Geheimrat Dr. Schmitz was Chairman of the Aufsichtsrat, they were forwarded directly to him by the auditors selected by the shareholders meeting according to the provisions set forth in the supplementary corporation law dated 1931/ and Par. 139 of the corporation law dated 1937; because in those cases he was responsible for the drawing up of the balance-sheets in accordance with par. 125 of the Corporation Law.

The auditing reports were forwarded to Herr Geheimrat Dr. Schmitz in order to collect reference material in the office of Herr Geheimrat Schmitz in Berlin and

later Heidelberg, in addition to the archives of the Central Accounting Office in Frankfurt, which would give an insight into the economic and financial development of the subsidiary companies, and if required as for instance during meetings about the companies to be considered and would enable Herr Dr. Geheimrat Schmitz to supply any information required.

Owing to the bulk of the material and the tasks he had to perform, one could scarcely expect Herr Geheimrat Dr. Schmitz to find the time to study or even read every report in detail. In addition these very comprehensive and detailed reports often contained items which were only of secondary interest for Herr Geheimrat Dr. Schmitz, because they reproduced whole series of figures from the accounts comparing them to the previous years' figures. For this reason I used to give a short description of these essential contents in the accompanying letter circulated with the auditing reports, which was to serve as information on the financial situation of the companies concerned and suffice as a general survey.

The auditing reports usually bore the confirmatory note of the auditing company prescribed by the Corporation law, which, coupled with my direction based on my study of the auditing reports confirmed that the accounts were correct.

With the increasing lack of personnel during the war great delays ensued in the auditing of the balance sheets and the drawing up of the auditing reports, so that for instance reports for 1943 could only be forwarded to Herr Geheimrat Dr. Schmitz in part, in the last quarter of 1944, after I had dealt with them because, owing to increasing difficulties in Germany, and to the fact that the available personnel of the auditing companies in the latter years of the war were over-burdened normal business routine was no longer possible.

I have carefully read through and signed each of the two pages of this affidavit, and herewith declare under oath that to the best of my knowledge and belief I have stated the full truth.

Munich, 15 April 1948

(signed) Paul Heinrich Dancker

Herewith certified and witnessed the above signature of Herr Paul Heinrich Dancker resident in Muenchen in Teumue, Gunttstr. 16 personally known and identified by me.

Munich, 15 April 1948

(signed) Hanns Gierlich
Assistant Defense Counsel

Schmits No. 110

Exhibit No.

Protestant incumbency

Berlin-Dahlem, 30 March 1948

Diary No.

Hittorfstr. 21

76 38 07

A f f i d a v i t

I, Eberhard Boehricht, clergyman, born 1 March 1898, resident Berlin-Dahlem Hittorfstr. 21, know, that I render myself liable to punishment by making a false affidavit. I herewith declare under oath that my statement is true and was made to be submitted as evidence before the Military Tribunal VI in the Palace of Justice Nuremberg, Germany.

Since 1927 I am clergyman of the protestant parish Berlin-Dahlem and during the struggle of the church with the National-Socialist state I belonged right from the beginning to the "Confessional Church". Geheimrat Dr. Hermann Schmits formerly resident in Berlin-Dahlem, Michaelstrasse, and his family were for years members of our parish and I got to know him more intimately through a number of official activities, which occurred in the course of the years in my flock. In 1929 and 1935 I christened his two children. Furthermore I met him and his wife many a time at a number of christenings, funeral services and weddings at his relatives. Since at all these occasions I was present in my capacity as clergyman and was also invited to celebrations in the family circle I had the opportunity to get to know him more intimately. I was therefore many times in his house and my wife even more often.

I must point out that I never noticed any change in Geheimrat Schmitz attitude towards the protestant church after 1933.

During the National-Socialist regime many religious celebrations took place in his family circle, which all relatives attended.

I take it for granted, that Geheimrat Schmitz knew of my religious attitude in the struggle of the church and that I belonged to the "Confessional Church". Since the parish Dehlem was in the course of the years a unique community I even presume that we discussed these questions quite openly on various occasions.

I cannot recollect, that Geheimrat Schmitz was on the whole of a different opinion than I concerning the position of the church in the National-Socialist state, or that I had to exercise particular restraint or be careful in this respect when I was in contact with him or his family circle.

But I remember quite clearly, that on the occasion of one of the last family celebrations, which I attended together with Geheimrat Schmitz, ^{he} toasted me during dinner in front of a large gathering in a very friendly manner as clergymen of the family, which undoubtedly was not a personal tribute only, but mainly was meant in recognition of my duties, and the position and tasks of the church at the time of the National-Socialist regime.

Furthermore I can say, that Geheimrat Schmitz and his wife donated for many years and also after 1933 considerable sums for the Christmas collection of the protestant women relief;

This collection was designated for needy church communities, religious charity institutions, and individuals.

If I may give my impression with regard to Geheimrat Schmitz personality, I would like to say, that I gained the favorable impression of a cultivated person possessed of inner virtue, a disciplined, kindhearted man. Also his wife has a pleasant personality, and has a simple, natural, unassuming manner.

Whenever I met Geheimrat Schmitz I always gained the impression that in accordance with his conviction one could always count him as one of us, that is to say, as one of the people who adhere to the protestant doctrines.

(signed) Bernhard Boehrlich

Clergyman

I herewith certify the signature of clergyman Bernhard Boehrlich, Berlin-Dehlew, Hittorfstr. 21, known to/^{me} personally and given before me.

Berlin-Dehlew, 1 April 1948

(signed) Dr. Hans Thomas Acholis
Notary

No. 106 of the material files form 1948

Value 3,000.- RM

Fee per. 144,26,39 4.- RM

Tax: 4% 0.12 "

4.12 RM

(signed) Dr. Hans Thomas Acholis

Notary

CERTIFICATE OF TRANSLATION

30 April 1948

We, the undersigned, herewith certify that we are duly
appointed translators for the German and English languages
and that the above is a true and correct translation of
the Doc. Book S. Schmitz.

Pages:

1-7

CHARLES GORDON
B-316497

Pages:

1-5

FLORA C. GOTTSCWALK
Civ. No. 20094

Pages:

6-8

SUSANNE DAVID
Civ. No. 20174

Schmitz No. 111

Exhibit No.

Copy

Excerpt from the
minutes of the Vorstand Meeting held on 28 May, 10.00 hours,
at the Administrative Building at Frankfurt / Main.

All Vorstand members were present, with the exception of
the following, who were ill:

Dr. Hermann,
Mann,
Dr. Elger,
Dr. Jacobi.

..... Following this the chairman, Geheimrat Schmitz, reported
that Herr von Mendelssohn-Bartholdy, on the occasion of his
70th birthday, had expressed the wish to resign from the
Aufsichtsrat. He also reported that

Dr. Richard Morton,
retired State Secretary Dr. von Sison,
Geheimrat Dr. Arthur von Weinberg and
Dr. Carl von Weinberg,

the last two gentlemen in connection with the amalgamation of the
firm of Cassella with I.G., have resigned their posts as Auf-
sichtsrat members, and finally that Herr Kommerzienrat Kaechelein
had asked not to be re-elected to the Aufsichtsrat

I, Hanna Gierliche, Deputy Defense Counsel before the American
Military Tribunal at Nuernberg

Schnitts No. 111

Exhibit No.....

herewith certify that the above document is a true copy taken from the minutes of the Vorstand Meeting held on 26 May 1938, a photostat copy of which was made available to us from the files by the Prosecution.

Nuremberg, 10 May 1948

signed: Hanna Gierlich.

CERTIFICATE OF TRANSLATION

13 May 1948

I, BRIGITTE TURK, ETO No. 35130, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document Book 111 Schnitts.

BRIGITTE TURK, ETO No. 35130.

Defense
Case 6

Document book

SCHMITZ

Volume VI

(documents 101 - 107, pages 1 - 50)

Submitted by the Counsel for
the Defense
Dr. Rudolf DIX



Rugl.

Index
Document book SCHLITZ
Volume VI

Index of Document book VI

(Evidence dealing with: "Alliance of the I.G. with Hitler")

Documents 101 - 107, pages 1 - 50

SCHLITZ No.	Exh. No.	Description of document	Page
101		Letter of the former Reich Chancellor Dr. Heinrich BRUENING to the editor, persecutes of 20 July 1944, and concentration camp detainees, Rudolf PECHTEL published in the journal "Deutsche Rundschau", publisher Rudolf PECHTEL, issue July 1947. In this letter BRUENING describes the inner-political circumstances in Germany during the two years before the so-called seizure of power, as well as during the first few months of the National Socialist government up to the promulgation of the Enabling Act in May 1933. In his letter he proves the vast ramifications and still obscure sequence of events which led to the seizure of power and the first consolidation of power, and the fact that this sequence of events is not limited by the frontiers of Germany. The attitude of the leaders of the German industry, even less the attitude of the leading people of the I.G., is not even mentioned as a cause for the seizure of power.	1
102		Excerpt from a speech of the former Reich Chancellor Dr. Heinrich BRUENING on the subject "The Statesmen" - Reprinted for private circulation from the Works of the Mind. (The University of Chicago Press, 1947). BRUENING points out that the consolidation of the National Socialist regime in Germany,	34

the collapse of which the experts expected, for economic and, particularly, foreign exchange difficulties, to occur before Summer or, at the latest in the fall of 1934, was due to four measures taken by other countries, which were decisive for the German industry, i.e., the devaluation of the Dollar in Spring 1933, the British-German payment-agreement of Summer 1934, the repayment of long-term debts for goods in foreign currencies, gold and armaments materials by the Soviet Union amounting to 1½ - 2 billion RM, and, finally, the toleration of the inner-German credit expansion, forbidden under the Reparations Agreement, by the foreign powers concerned.

103

Affidavit of Staatspräsident (retired) Professor 38 Hermann HUEBEL, dated 5 January 1948. The witness, who belonged to the I.G. Aufsichtsrat up to 1935, and who was on very close personal terms with Geheimrat BOSCH, refers to the political attitude of Geheimrat BOSCH, whose opposition to National Socialism was manifested publicly both before and after the so-called seizure of power, with the result that he was repeatedly threatened with being sent to a concentration camp.

The witness states:

"As long as he was in a responsible position nobody could commit the I.G. to anything without his knowledge and his approval."

The witness reports that, in agreement with BOSCH, he put large sums of money at the disposal of the Demokratische Partei and that several million Marks were contributed to the Frankfurter Zeitung in the years after the seizure of power, with the idea of having an independent paper available in case of the Nazi collapse.

SCHWITZ No.	Exh. No.	Description of document	Page
104		Affidavit of Dipl. Ing. Walter STEINLE, dated 5 February 1948. The witness reports on a conversation he had with the Gauleiter of the Gau Upper Danube in Summer 1942, which the latter concluded with the following remark, "I do not want to have the I.G. in my Gau. I have just been to see the Fuehrer. He was terribly furious about the I.G. because it is a state within the state. He(Hitler) has firmly made up his mind to smash that whole racket completely after the war. He would love to do it right now, but that is not possible at the moment. But after the war they will not be spared any more, there will be a thorough clearing up."	41
105		Affidavit of Dr. Max MULLER, dated 5 March 1948, in which he confirms from his own knowledge the authenticity of STEINLE's statements of 5 February 1948.	44
106		Affidavit of Dipl. Ing. Harald VIOLET, dated 21 January 1948, in which the witness gives a report on the incident about which he was told by the witness Walter STEINLE shortly after its occurrence, and described in the two above-mentioned affidavits.	48
107		Affidavit of Professor Heinrich HOFFMANN, dated 11 March 1948. The witness who, as a former photographer, belonged to Hitler's closest circle, reports the following statement made by Hitler in 1943 or 1944, "The I.G. are internationally financially interlaced. They are peddling their patents to America. I shall make an example out of these saboteurs, and a number of them, and not the smallest ones, will be put against the wall."	50

I certify that all documents contained in this document book
are faithful reproductions of the documents submitted to the
Tribunal.

Nuernberg, 5 April 1948.

Dr. Rudolf DIX
Attorney

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Heinrich BRUENING

A letter

taken from the "Deutsche Rundschau", published by Rudolf PECHEL,
70th year, volume 7, July 1947, pages 1 - 22.

in

We have great pleasure in being able to publish the "Deutsche Rundschau", the letter of the former Reich Chancellor Dr. Heinrich BRUENING. Dr. BRUENING so far remained silent for motives which command highest respect, despite the fact that he has much to say to us all regarding the past - and not only regarding the past. The letter has been translated by us from English into German, for Dr. BRUENING had been forced by illness to dictate the letter in English to his American secretary.

The Editors

Dear Dr. PECHEL,

From a number of new publications and from discussions in the newspaper I see that even in Germany the policy of the German government in the early thirties concerning the rising Nazi party is greatly misunderstood or distorted in its decisive aspects for propaganda reasons. I did not publish anything which actually occurred during that time, fearing that my findings might later on be abused to the detriment of the German people, as was the case with so many publications by refugees. Consciously or unconsciously, they contributed much, by their publications, to the ideas, on which the Yalta and Potsdam agreements are based. I believe, that in view of the results thereby achieved, many of them deeply regret their publications having been made.

Allow me, therefore, to confine myself to a few detailed points, which can be deducted from the recently published memoirs of a man, who was a member of the Reich Cabinet during my office. *)

*) Hans SCHLITKE-SCHOEZINGEN, "Am Tage danach (Hamburg, Hammerich and Lesser)
The Editor.

I.

Neither the leaders of the Wehrmacht nor the members of the various parties, who like me left Berlin every week and in order to hold meetings all over the country, had any illusion about the speedy rise of the Nazi Party since spring 1929. Local elections, especially the parliamentary elections in Baden and Thuringia, at the end of 1929, fully justified our fears. The documents of the British Foreign Office for 1930, published a few months ago, contain a report on a conference between a German colonel and the British Military Attaché in Berlin. Colonel KUEHNLENTHAL informed the British Attaché of the rapid spread of the Nazi Party and described the fascinating influence, which Hitler exercised on a large part of the voters, especially on the younger generation. He said, that the Nazis, whose social and economic assurances were just as radical as those of the Communists, were more dangerous than the Communists, as the latter despite their radical declarations, did not meet with any response in the imagination of the young generation.

General von SCHLEICHER told me in the course of conversation in the summer of 1929 how much he was distressed by the reports he had received regarding the growing sympathy for the Nazi Party throughout the country, particularly among the younger naval officers and workers at the naval bases of Wilhelmshaven and Kiel. This conversation took place in connection with my efforts to effect a budget compromise among the parties which supported the government of Hermann MUELLER, involving a reduction of expenditure for munitions although at the time we did not even have ammunition to the extent permitted to Germany under the Treaty of Versailles and subsequent decisions by the Allies.

The heavy weight constantly on General von SCHLEICHER's mind because of the experiences of 1923, derived from the fear of simultaneous uprisings on the part of Nazis and communists and the opportunity this would offer to foreign powers for extending their borders at the expense of Germany. This fear increasingly dominated General von SCHLEICHER's sensitive disposition which was fortunately balanced by the even temperament and courage of General von HUGERSTEIN. The failure of the League of Nations through abstaining from taking any action against the Japanese occupation of Manchuria, in addition to a fresh Polish mobilization plan of which we were informed the same year by a foreign power, aggravated General von SCHLEICHER's nervousness in increasing degrees. The

Polish mobilization plan was drawn up in such a way as to leave no doubt regarding the firm intention to seize the whole of Silesia by a surprise move at an opportune moment. Since the German government, in the event of a quite conceivable double-
rising of the Nazis and communists, would have been obliged to employ the entire German army and police force, we very reluctantly persuaded President HINDEBURG to give his consent to preparing for the withdrawal of several garrisons from Silesia to Brandenburg and the evacuation of a large area of Silesia, should the Polish attack coincide with the uprising by the Nazis and communists. When resigning my office in 1932, I had succeeded in the course of two years gradually to improve German-Polish relations; thus there was some reason to believe that a Polish attack would not materialize in the case of a simultaneous rebellion of Nazis and communists.

Nevertheless, the danger from invasion of our Eastern provinces by a foreign power had to be taken into account in all the major decisions of ours, having regard to an international and internal situation which changed from day by day. The fact of Marshal PILSUDSKI directly on Hitler's accession to power approaching the French government with the proposal of common military action, or was how justified our apprehensions had been. The knowledge of PILSUDSKI's proposal strongly influenced the voting in the Reichstag in March and May 1933. In May 1933, the SPD made the big patriotic sacrifice to vote together with all other parties for a resolution, which, carefully worded, expressed the unanimous wish of the Reichstag to oppose an operation, such as PILSUDSKI had proposed to the French. This voting in the Reichstag, beyond any doubt, influenced the French government to refuse PILSUDSKI's proposal.

II.

Among the close associates of HINDEBURG, there was nobody who had any illusions about him. He was no statesman, nor did he pretend to be. With the exception of HOLME, there was hardly a commander, whose attitude towards victories connected with his name, could have been more modest than HINDEBURG's. He wanted to be a servant of the people and do his utmost in order to raise the nation after the defeat and to relieve the economic distress. Old as he was, he did not favor radical or decisive actions. He did not want to go down in history as disloyal towards his duties or as instigator of civil war. When he was alone with his constitutional advisers,

he showed much common sense. If HINDENBURG's health had held out another five years, and if he had retained his physical and mental faculties, there would have been no difficulties which could not have been overcome in order to steer the German ship of state safely through the storms, which arose when the reparations crisis became acute. General GROENER, who knew HINDENBURG very well, had grave misgivings in 1929, as to whether he could bear the burden of his office longer than four years. At the same time GROENER observed with great anxiety the declining health of STRASZMANN and of Chancellor Hermann MULLER, which prevented the timely solution of vital problems in connection with the budget and other matters. My own doubts about HINDENBURG's ability to judge the situation, were dispersed by GROENER's reassurances, that although during the course of his long life, he had seen many intrigues and much fickleness in persons holding responsible positions, he was nevertheless convinced, that HINDENBURG would finally accept his advice, as he, in order to save HINDENBURG's reputation, had in the years after 1918 sacrificed his own good name in the interest of the Nation.

As long as his mental faculties remained unimpaired, President HINDENBURG recognized the difficulties and dangers, which I outlined above, to their full extent. He continually opposed any radical measures against the Nazi Party, at least until the question of reparations was settled and until our proposals for general disarmament were accepted and safeguarded; proposals which, excluding heavy offensive weapons, would have given the German Reichswehr the same status as the Swiss militia and would have made it sufficiently strong to meet successfully simultaneous revolts by the Nazis and Communists and to defend our Eastern provinces. Already early in autumn 1931 the leaders of the Reichswehr, the leaders of the SPD and I discussed a plan for the suppression of the Nazi Party, as soon as a suitable opportunity would be found, i.e. after the League Conference, and far-sighted preparations were made. Unofficial probing, already undertaken in 1930 as to the consent of the victorious powers to a temporary call-up of volunteers for the Reichswehr in case of simultaneous revolts by Nazis and Communists, failed completely. President HINDENBURG, in conferences with the Generals GROENER and v. SCHLEICHER as well as with me, always refused to take any steps to suppress the Nazi Party, if not simultaneous steps could be taken against the other revolutionary party, the Communists, unless it was a matter of a definite act of rebellion.

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The dissolution of the SS and the SA after HINDENBURG's re-election in April 1932 had been decided upon while I was away campaigning by the army and the Ministers of the Interior of the various states. This, in my opinion, was a rash step. HINDENBURG finally gave his consent, but only after General GROENER and I had threatened to resign if he refused. As I knew him, I had no doubt whatsoever that this meant the beginning of a breach between him and myself. This also, for reasons which would take too long to describe in detail, led to the resignation of General GROENER, and thus to the loss of the strongest support I had with the President.

None of these problems were ever mentioned in the Cabinet, because the full knowledge of the seriousness of the situation might possibly have robbed even the most loyal members of all hope to surmount the tremendous difficulties which arose during reparations and bank-crises from the responsibility of the German government for all financial and economic measures, provided by the Young-plan.

Similar responsibility within the scope of the Dawes-plan clearly lay on Mr. Parker Gilbert the agent-general for reparations, who was responsible for the application of certain flexible decrees of the Dawes-plan in order to avoid a deflation in this manner. If a single cause for the violence of the economic crisis in Germany and the subsequent political developments is to be named, then reference must be made to the abolition of such flexible clauses in the Young-plan, an amendment which I pointed out in the introduction to the published "Reparations Diary" by general Dawes.

Already at the end of 1929 it was to be expected that those measures could only lead to world inflation. Basic economic and foreign political topics were of course discussed with the Vice-chancellor Dr. DIETRICH and the Foreign Minister Dr. CURTIUS.

The US. Diplomatic Correspondence of 1931, published by the State Department, shows, how in the critical summer 1931 I described to the American Ambassador the serious dangers, which arose for Germany and the stability of Europe from the reparations crisis. During one of our conferences I told Ambassador SACKETT, that I was not sure whether we would survive the next two weeks without employing the help of the army and the regional police forces, in view of the intrinsical attitude of certain foreign powers.

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and the encouragement thus afforded the totalitarian parties to start an internal revolt. Until autumn 1931 HINDENBURG approved without restriction all political measures, which I took or proposed. Of course it was never possible to make him understand, why it would be necessary to observe carefully all the conditions which were laid down in the reparations agreements, in the Reichsbank law and in Dr. SCHLICHT's letter on the gold value of the Mark, the last two of which represented integral parts of the reparations agreement. During the last fourteen years I have seen from enquiries into the reparations policy, which were published by foreign and often by German emigrants, that the original text of the Young-plan was not taken into consideration by these authors. If they had been acquainted with the details of the reparations, the misconception of a plan for a deflation policy on the part of the German government could never have come into being.

Although HINDENBURG in this critical time firmly supported the government and its majority in the Reichstag, he was once perturbed about a clash in the Reichstag between Herr von OLDENBURG and myself in October 1930. He even insisted at the time, that Herr von OLDENBURG should pay me a visit and at least make a gesture of apology.

III.

During his stay in Dietrichsdorf in August 1931 and even before then, HINDENBURG had been informed, that certain personalities of French and Polish descent had approached Hitler, hinting that the incorporation of the Nazi Party into the Government might improve Germany's position at international conferences. This apparently made such a deep impression on HINDENBURG, that he urged me to confer with HUGENBERG and Hitler. My conference with them produced negative results, as was to be expected. I put the question to both whether they would openly pledge themselves to support the President's re-election in spring 1932, when his term of office expired. Neither of them was willing to make such a pledge. The President was persuaded by an agent, that I had intentionally insisted on supporting his re-election, so as to render the participation of the right-wing party impossible.

For this reason I interrupted my journey to a political meeting in Stuttgart, in order to visit the generals v. HILBERSTEIN and von SCHLEICHER in Albstadt.

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I asked them to tell me frankly, whether in their opinion there was any change in the participation of the Nazis or Nationalists in the government. Both reassured me that on the occasion of his next visit to Dietrichszell for his routine report to HINDENBURG as Commander in Chief of the Reichswehr, General von dem Bueche would inform the President that they expected serious dangers to result from any change in the government and that they would not be willing to continue to bear the responsibility for the army under a government, which to an increasing extent might be influenced by the Nazi-Party.

We also discussed the planned meeting in Harzburg which like all of Hitler's functions was patterned on the procedures adopted by other dictators. I expected that the Harzburg meeting would only result in psychological disturbances and due to information which I currently received from leading personalities in the Nazi and Nationalist parties, as well as in the Stahlhelm, I was certain, that these groups would not be able to come to an agreement. Between the two generals and myself there was complete understanding that in case the Nazis should imitate MUSSOLINI's march on Rome, the Reichswehr would be able to cope with them. For there is nothing easier than to deal with a great crowd of people who were only partly trained and armed and tired after a few days' march. We also expected, that we would be given HINDENBURG's consent to an immediate suppression of the Nazi Party, in case the Nazis resorted to open revolt.

This brings me to the crucial point: HINDENBURG did not want the Nazi Party in the government; but neither did he want military and police forces to be employed to suppress the Nazi Party, except under conditions already mentioned. This resulted in an extremely difficult situation for the Reichswehr as well as for the government. Although the generals v. HAEGERSTEIN and v. SCHLEICHER were satisfied with HINDENBURG's immediate reaction to the report of General von dem Bueche two weeks later General v. SCHLEICHER grew nervous again for two reasons: because of the influence exercised on the President in Dietrichszell and later in Berlin and on account of his own position.

Luckily HINDENBURG's non-constitutional advisers were divided in their opinion. One group aimed at a government without the Nazi Party, similar to the one which later on was appointed under Herr von PAPER, which was to proceed in a dictatorial manner and was to dissolve the political parties. Others wanted a new government, which was to include the Nazis.

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The latter group included a number of bankers, who exerted a special indirect pressure on the president after his return to Berlin. At least one of them was known to have made generous money contributions to Nazi funds and nationalist parties since October 1920. He died shortly after the Nazis came to power. The financing of the Nazi Party, sometimes by individuals whom one would have least expected to support such causes, is a chapter by itself. I have never talked about it in public, but in the interest of Germany it might become necessary to do so, and to disclose how the same bankers, in autumn 1930, tried to influence ambassador Beckett against my government and in favor of the Nazi Party.

To make matters worse, soon after his return to Berlin namely in September 1931, the President suffered a mental breakdown lasting 10 days. Two days previously I had emphatically pointed out to the President that, should he wish to effect a change in the government, he had only two alternatives; he could either suppress the Nazi Party by force, or form a new government which would have to include the Nazis, in which case such a government would of course be refused the right of dissolving the Reichstag before the normal end of the election term in 1934. I told him that, should the Nazis take responsibility in a coalition government, the growing unemployment and the diplomatic difficulties which were to be expected in the Winter of 1931/32, would deprive it of much of its popularity. I also told him that it was doubtful whether a government which included the Nazis would gain the success that might otherwise be expected in the reparation and disarmament negotiations scheduled to take place within the next 6 months. I warned him that chanceable voters, who had supported Hitler, would not return to the moderate parties after he had disappointed them, but might rather swing over to the Communists. (Indeed, in the two elections of 1932, the Communists increased their Reichstag faction by almost a third. Of course, I myself refused to join a cabinet which included the Nazis.

As I expected, Hindenburg reacted violently against the proposition to include the Nazis in a coalition government. Again and again he repeated that the Austrian Corporal should never join the government as long as he was in office. At that time he also refused to adopt any plan for the forcible suppression of the Nazi Party.

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During the two hour conversation, I realized more and more that the President's intellectual faculties were waning. This was even more noticeable next day. I told him finally that, if he did not accept one of the proposed alternatives, I would have to tender my resignation, unless he were prepared to give full support to the existing government's present line of policy as approved by the present Reichstag. I did not want to face the Harsburg conference, scheduled for 11 October, without the definite promise of the President's support. Then came this mental breakdown, which as I said, lasted 10 days, with the prospect of a presidential election at the height of the financial, economic and inner-political crisis.

For the first time the constitutional rule of presidential election by plebiscite threatened to destroy any hope of political stability and to open the road either for civil war or a totalitarian government. That was the result of an alien political institution for which there was no basis in German tradition.

Under the circumstances I had to postpone the publication of the 4th Emergency Order (Notverordnung), which was finally issued in December 1931. The political situation at home was upset at the most critical moment by the President's illness, which we had to keep a carefully guarded secret. Had it become known, the entire psychological foundation for the success of vital economic measures would have been destroyed and the military and political program, which had long been prepared against the Harsburg attack, could not have been carried out. In the chaotic days after the President's breakdown and prior to the Harsburg meeting, Generals Groener and von Schleicher made a desperate yet successful attempt to save the situation. Under their pressure, Hindenburg finally promised to support the present government and its policy. The only compromise demanded was that Dr. Curtius and Dr. Wirth should be sacrificed.

I did not inform the entire cabinet of what was happening, because of the danger that any such rumor might start a renewed withdrawal of bank and savings bank deposits, or affect the Basle negotiations on the foreign loans standstill agreement in progress at the Reparation Experts' Committee and the Foreign Creditors' Committee. I frequently talked of my apprehension for the future to Vice Chancellor Dietrich, Dr. Hilferding of the SPD and Dr. Kaas

of the Zentrum, and also to Dr. Paender in the Reich Chancellery, Dr. von Buelow in the Foreign Office and a few other very reliable and discreet members of pro-government parties.

It was during that period that, Dr. Schlange had the conversation with me which he mentions in his memoirs. I had chosen Dr. Schlange for his position, because he came from the East. Both I and the finance minister knew that the Reichstag would never pass certain parts of Dr. Schlange's plan but I did not raise any objections against them, because it became increasingly necessary to remind President Hindenburg from time to time that the Reichstag should set limits to the emergency powers of article 48. This was unchanged even under the rump parliament, as it existed at the beginning of 1931, when the Communists and the Nazi Party, sweeping along with them the German national (Deutschnationale), left the Reichstag in the hope of rendering a normal Reichstag budget debate impossible.

IV.

As long as Reich President Hindenburg's mind was not befogged, and as long as I was admitted to him, he was never prepared to surrender the power to the Nazis. His mind was not clear on the morning of 30 May 1932, when he urged me to form a cabinet of the Right, which of course I refused. Hindenburg repeated what he had said a few weeks ago, when, after an extremely turbulent scene the Prussian police had removed the Nazis from the Reichstag, that to him, it constituted a violation of his oath to protect the constitution, to tolerate the use of police against one single large party within the Reichstag itself. He insisted on proclaiming new Reichstag elections, and repeated the message which he had sent me through Heisserer 3 days before, that Hitler and Hugenberg had promised his intermediaries that they would give me their unreserved support as chancellor. I declared that I could not rely on any promise made by Hitler. The President thereupon stated that he would refuse to give his signature to any measure proposed by my government, unless it had been passed in the three prescribed Reichstag readings. Of course the Nazi method of preventing, in close cooperation with the Communists, any continuous Reichstag discussion, made the taking of any normal vote impossible.

When refusing his signature for further decrees, the President did not refer specifically to one proposed decree, which, besides providing for a large program for public works, would also have completed the liquidation of those large estates which their owners could not manage profitably, even with government subsidies. I required him - hitherto obstinately refused - signature for another decree, which enacted the decision of the Laender conference of 1930, namely to divide Prussia into its provinces, and to confer control of the judicial and police administration of Northern Germany on the Reich, in case the Nazis, after the Prussian elections in Spring 1933, should prove intransigent in their demands for positions in the Prussian government. I had long made it clear to the Nazis that whatever majority they might be able to gain in the Prussian elections, I would never allow them to exercise control over the Prussian courts and Police. The financial basis for such a step had been laid inconspicuously in the First Emergency Decree of December 1930, through provisions which had excited little public attention until May 1932.

I informed the President of conflicts within the Nazi Party, GOERING, GOERBELS and STRASSER being in full revolt against HITLER and in opposition to each other, and fearing that, should HITLER's uncompromising policy continue for two more weeks, they would lose every chance of governmental power. The situation in the Nazi Party was again exactly as it had been in January 1933, when Chancellor von SCHLEICHER was finally prevented from having an undisturbed talk with President HINDENBURG, just as I had been 8 months previously.

I wish to add that at the close of the meeting, in which the cabinet had decided to resign, I actually made a remark such as Herr SCHLANGE records in his book. Of course, Herr SCHLANGE did not know that at the end of our conference on the previous day, the President had become faint. He seems to have forgotten, that during a 4-week period in January and February 1932, I had repeatedly offered my resignation, because the President formed his views on the basis of reports made by non-constitutional advisers, and because every time the crisis was temporarily averted through a direct discussion between us. Finally, one morning, the President called me to him to tell me that he had decided to listen to me alone, and that he had definitely refused to accept advice from

others, including his family. Later I learned that this change in my favor was due to the intervention of a number of aristocrats from the oldest families of East Prussia and Silesia, who had never wavered in their enmity toward the Nazis, and most of whom perished under the Nazi regime, either in concentration camps or by execution. In my talk with the President on the eve of the resignation of the cabinet, I had proposed GOERDELER as my successor. Ever since I had recognized his efficiency as Price Commissar in January 1932, I had been training him for this purpose. I wanted to prevent at all events the nomination of Herr von PAPEN, whom the French ambassador had referred to as my successor in a private talk a week before. While I still had hopes of inducing President HINDENBURG in the end to appoint GOERDELER as my successor, I had to avoid all criticism of the President in the cabinet meetings.

Another thing which Herr SCHLANGE did not know was that, at the time when the cabinet decided to resign, the US special envoy, Mr. Hugh Gibson, had for several days already been conducting negotiations with the French Prime Minister Herriot regarding the disarmament formula, which the German government had proposed and which the representatives of the US, Great Britain and Italy had already approved in a meeting at State Secretary Stimson's house in Besancon near Geneva in April 1932. I was expecting hourly the American ambassador's message that M. Herriot had fundamentally agreed with the disarmament formula. It arrived on the morning of 31 May, the day after the resignation of the cabinet.

A reparation arrangement, which provided for a balance payment of less than 5 billion marks, had already been arrived at in principle, and in April 1932, agreements had been reached with the Polish government to commence talks in June with the idea of a resettlement of the Corridor question. Thus Herriot's acceptance of the formula for German disarmament had cleared up the last major outstanding question of foreign relations.

Those who had influenced Hindenburg in his latest decision knew as well as I that, were this acceptance to come in time, he might again change his attitude, just as I had had to do almost every week since January 1932, in order to retain my government. Mr. Gibson's message reached me, as I said, through the American envoy, one hour before the time appointed for my conference with the Reich President. A few initiated persons in attendance on the Reich President, though not

holding official positions, succeeded in putting off my audience until a few minutes before mid-day, when the President, as usual, took the parade of the Marine Guards on 31 May, Skagerak-day. I had exactly 3½ minutes to talk to him, and that could naturally only end in failure, because he urged me more strongly than before to form a government of the Right.

I want to illustrate how grossly Herr SCHLANGE misjudged the situation by an account of my official farewell visit to the Reich President three days after my resignation. On that day his mind was clear and fresh. He talked to me in his usual monologue style, which had enabled me for almost two years to recognize the influences and pressure to which he had been subjected, and to counter them, if I thought them dangerous. He said: "To have now a cabinet such as I had always wanted, but I have been ^{choosing} again. This chancellor (Papen) will never make it. I am still not too old to perceive that. You should have stayed, and everything would have been alright." In autumn 1932 and again in July 1933, Reich President HINDEMBURG's attempts to consult me directly were frustrated by the fervent wish of certain men to prevent our meeting, during which the intrigues which were at the bottom of the President's refusal to give his signature for future decrees of my government, and which thus made it impossible for the government to stay in office, because National Socialist and Communist tactics prevented any normal Reichstag procedure, might have been fully exposed.

V.

From present discussions of the vote on the Enabling Act of March 1933, I see that even old parliamentarians have forgotten in the 14 dreadful intervening years the situation as it really was. Three measures of the Papen government had had disastrous effects.

The first was the dissolution of the Reichstag elected in 1930 after my resignation. This destroyed the basic conditions of the former government's entire policy, namely the existence of a democratic Reichstag majority up to the end of its full constitutional term of office, which expired in 1934. The cause of the Reichstag dissolution in 1930 was the rejection of vital financial measures by a chance majority of a few votes, which were the result of long negotiations and debates.

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Much against my inclination, I must state here, that Reich Chancellor Hermann MUELLER, to overcome Reich President HINDENBURG's resistance to sign the Young plan, had assured him that financial measures necessitated by the Young plan would be passed, if not by normal majority vote, then by an act of the President according to article 48 of the Reich constitution. That was a return to a practice which had become customary in the critical years 1923-1924. When Hermann MUELLER's proposals for a finance reform failed to find the majority support of his own party in the Reichstag (through a chance vote quite unrepresentative of the opinion of all SPD leaders), he loyally fulfilled his promise by proposing to the Reich President, prior to his resignation, the necessary decrees according to article 48. SPD leaders in responsible government positions had almost invariably taken great care to fulfil one of the prime duties of a parliamentary government: to balance the budget. Nevertheless, the Reich President declined to approve the application of article 48 by the Reich chancellor, and thus to permit measures which were opposed by a majority of his own party.

The new cabinet, which assumed office on 31 March 1930, tried at first to avoid the application of article 48, and to carry the former government's motions by normal majority vote, as also supplementary temporary measures ensuring the payment of civilian employees' wages and unemployment money, until it was evident whether the so-called Young plan would bring an economic stimulus and a drop in unemployment. It soon became clear that this would not be the case, and therefore a further cut in public expenditure became necessary, as well as the creation of new sources of income. The financial position of the social insurance agencies as well as that of the government was so critical, that funds appropriated for normal payments would only last for 2 months more. The state of the money market, and certain clauses of the Young plan, made it impossible to place further treasury bills or to take up a loan. When long negotiations with the Right and the Left showed that it would be impossible to obtain a Reichstag majority for the bill, the necessary financial measures were combined in presidential act. This act, as stated, was rejected by chance majority in the Reichstag. Thus the tragic situation of German democracy became evident:

The conditions imposed by various reparation agreements made it impossible to raise the money necessary for reparation payments, except by increased taxes and a limitation of expenditure.

If these funds were not obtained soon, the Young Plan was bound to prove a failure, but the parties in the Reichstag were not prepared to assume responsibility before their constituents for the additional taxes required.

Thus it was decided to dissolve the Reichstag and secure a Reichstag with a democratic majority, by holding new elections, and thereby anticipating a further increase of economic depression and avoiding an intensification of radical trends strong enough to sabotage ordinary parliamentary proceedings; this Reichstag was to sit for the constitutional four years' period up to the fall of 1934. It was expected that the financial and economic crisis would have been passed by that date and thus the danger of a Reichstag majority composed of totalitarian parties would be avoided, whatever success they might in the meantime achieve in the elections in the interim. Dissolution of the Reichstag prior to this date was out of the question for my cabinet, and the avoidance of parliamentary situations at an earlier date, with the full economic crisis still continuing, was essential for our whole policy.

The second big mistake of the Weimar government, for which - like the first - Herr von Papen was not originally responsible, consisted in the re-issuance of the ES and LA which had been dissolved after the presidential election in April 1932. This concession had been made to the KPD by General v. SCHLESINGER in negotiations conducted prior to Papen's chancellorship.

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In return, SCHEWITZ had been promised that the National Socialists would either take part in an ordinary coalition government or tolerate a government without National Socialist

members. I do not know the truth about these negotiations. ^{promise,} whilst Hitler stated just as positively that he had never given a solemn SCHEWITZ stated that he had received a solemn promise from Hitler /

was inclined to think that neither had considered this agreement as binding. SCHEWITZ certainly never wanted to see the National Socialists in the government. Most people will remember that the re-admission of the SS and SA led to violent clashes and bloodshed in the whole country, which outcome could have been foreseen.

The third great error of the Kapp cabinet was the issuing of a decree dismissing the Prussian government which ought to have remained in office, according to the Prussian constitution, up to the time of the election of a new Minister President by a new Prussian Parliament. (General v. SCHEWITZ's motive in supporting this action was of course his desire to prevent the National Socialists from obtaining control over the Prussian police owing to their strength in the Prussian Parliament). The effects of this decree were very far-reaching. After the precedent created in the crucial months of 1923 by Reich President Ebert, who had appointed Reich Commissioners for Saxony and other countries, no objection could be raised against a similar action in Prussia, but it was certainly unconstitutional to go beyond this point. The Supreme State Tribunal could not declare part of the decree as unconstitutional, and, thus, enabled Hitler to pose as defender of the constitution against abuse on the part of the

Reich President and the government, I heard from Gregor STRASSER that immediately after the Reichstag elections in July 1932 the National Socialists intended to bring in a request for the Reich President's indictment before the Supreme State Tribunal according to article 59 of the Reich Constitution and for HINDEMBURG's removal according to article 48. According to article 59, a hundred votes were required before proceedings could be instituted for an indictment of the Reich President, and the National Socialists themselves had more than a hundred votes at their disposal. They would have obtained the necessary majority in the Reichstag by two-thirds, both for proceedings before the Supreme State Tribunal and for proceedings aiming at removal, since the Communists would have voted with the National Socialists, and the SPD (Socialdemocrat Party of Germany) would have been compelled - after the government's unconstitutional coup d'etat against the Russian Ministers - to choose between political suicide and support of the National Socialist motion.

To prevent National Socialists from accusing the Reich President and, thus, stalemating the whole structure of the constitution, more cunning tactics were necessary than could be expected from Herr von PAULSEN, even by those who installed him in his office. By simply dissolving the Reichstag after each new election, thus, anticipating a motion aiming at accusation or removal of the Reich President, he only continued to sabotage the constitution and to compromise the Reich President mercilessly. Herr von PAULSEN realizing this situation intended to dissolve all political parties, trade unions, industrial and agricultural co-operative companies. If he had actually carried out this plan, he would probably have brought about a common revolt of all parties, with the exception

of the Deutschnationale Volkspartei (German National People's Party). At this crucial moment a gentleman came to me from the Reich President to ask me whether I saw any way out. I advised General v. SCHLEICHER's appointment as Reich Chancellor and the return to my policy of cooperation between intermediate parties and SPD. A few days later, when Herr von PAFFEN submitted to the Cabinet his program of suppression of all parties and semi-political organizations through the Reichswehr and the Police, a representative of the Reichswehr made it clear to him that the forces available were not strong enough for such an action. This was the immediate cause of Herr von PAFFEN's retirement and led to General v. SCHLEICHER's appointment. General GERICKE, who generously overlooked the serious personal insult that SCHLEICHER had afflicted on him in May 1932, wrote an article for a Berlin newspaper stating that SCHLEICHER would return to the political line that had been followed up to the time of my retirement. General v. SCHLEICHER initiated negotiations with the trade unions for a comprehensive public labor program under the guidance of Dr. GERSHOF, a firm anti-Nazi.

The inner conflicts in the National Socialist Party had become so critical that General v. SCHLEICHER could entertain hopes for the open rupture within the party taking place early in February 1933. In this case he planned the dissolution of the Reichstag and new elections. Unfortunately, this plan had not been made known to the party leaders in the Reichstag, and the consequence was that considerable confusion arose among them. The National Socialists, on the other hand, who had quietly found their way into almost all public offices and particularly into the telephone offices, where they could tap telephone conversations, got to know of SCHLEICHER's plan. They therefore agreed

under rather humiliating conditions imposed by the other parties, to postpone the convocation of the Reichstag again and again, which for some while prevented them from carrying out their threat of indicting the Reich President.

HINLENBURG had received carefully worded information of this threat. Erwin PLANCK who came to see me in the hospital one night, four days prior to SCHEIDT's retirement from the chancellorship, told me about the difficulties which resulted for the government from HINLENBURG's fear of an indictment, and I have been assured that this was one of the reasons for HINLENBURG's final agreement to HITLER's being appointed Reich Chancellor and his being authorized to dissolve the Reichstag. The other considerations which may have influenced him were his fear of the Communists' increasing strength after new elections and the growing belief that HITLER's position would be weakened if only he was given part of the government's unpopular responsibilities. This belief was not altogether unjustified judged in the light of subsequent events. Germany's foreign exchange situation remained desperate in 1933 and was saved only owing to the revaluation of the dollar and later to the English-German payment agreement and the Soviet Government's punctual reimbursement of large industrial loans which Russia had been granted under my cabinet and which were repaid - in spite of the dissolution of the Communist Party in Germany and the seizure of Soviet State property. The belief that official responsibility would destroy HITLER's popularity was also an important factor determining the vote of many people in the Enabling Act poll held in March 1933. At that time nobody could foresee the measures which would be taken by other governments and which were to strengthen HITLER's power; it was rather to be expected that they

would not vary differently. It can therefore be understood that those advisors of the Reich President HIN KLEGG who were anti-Nazi themselves thought that HITLER's government would doubtless be compelled to resign within 18 months owing to the foreign exchange situation, if HITLER could be compelled to share responsibility with a non-Nazi government majority and the party leaders had been given this assurance - if every suggestion by the cabinet could be vetoed through Vicechancellor von KAPP on behalf of the Reich President.

The whole of this assumption underwent a change for several reasons. The alternative to passing the Enabling Act of March 1933 in the Reichstag was not the restoration of normal constitutional conditions. Owing to the decree published on 28 February immediately after the Reichstag fire, HITLER was already in a position to suppress any political party and to abolish all civic liberties. This is clear from the fact that the SPD (Social Democrat Party of Germany) and later the German National fighting organisations (Sturmabteilung) were deprived of all their functions and property, not on account of the Enabling Act, but pursuant to the decree of 28 February. Democracy was practically lost in Germany and the Reich President entirely delivered into HITLER's hands, on account of this decree. According to the Constitution, the Reich President could not revoke a decree published with the Reich Chancellor's consent. He could, of course, insist that the Chancellor retired, but demanding HITLER's resignation would have led to HIN KLEGG's indictment before the Supreme State Tribunal according to article 59 and almost certainly to HITLER's election as Reich President. The decree of 28 February was so formulated and

interpreted that by referring to this decree, HITLER was not only able to take every action which was later authorized by the Enabling Act, but could go far beyond this. Every attempt had therefore to be made to maintain the Reichstag and to avoid the formal dissolution by the government of the parties in the opposition. A few people in the German National People's Party realized all the dangers of this situation.

After the Reichstag fire, many Communist leaders having been arrested or fled out of the country, the Communist Party followed tactics that were not only useless, but disastrous for the general political situation. It is hard to understand today why this party refused to withdraw their own list for the Reichstag election in February 1933 which would have added its votes to those of the SPD Reichstag candidates. It is easy to see, from the election results, how this would have effected the situation. 847 members were actually elected into the Reichstag, 61 of them were Communists. With these Communist votes the SPD representation could have raised their mandate from 120 to 201. Such an augmentation would have meant that 302 members of the new Reichstag would have ruthlessly opposed the continuation of Nazi influence in the government. Added to this, at least half of the 65 members of the DNVP were definitely against taking any measure which might have stabilized Hitler's power. With this possible proportion of 324 votes against, to 320 votes for, his action, Hitler would not have dared to order mass arrests of Reichstag members in order to turn his minority into a one-third majority, and it would have been easy to enforce certain limitations with regard to the Enabling Act, which I shall refer to again later.

Instead, through the expulsion of the Communist delegates from the Reichstag, the 31 votes, which might have been saved for the SPD in the ballot on the Enabling Act, were lost entirely. With a total of 566 votes, 378 were necessary to form a two-third majority. The 4 parties which supported Hitler's government had 345 votes, and were thus short of 33 for a two-third majority. Then the National Socialists began to arrest SPD delegates, and threatened to continue with these arrests, until the pro-Government parties would form a two-third majority within the rump parliament. Actually, only 94 of the 120 SPD delegates gave their vote in the ballot on the Enabling Act; (9 were under arrest, 11 were reported sick, and others, though present, refrained from voting.) Thus a total of 107 anti-Nazi delegates who had been elected to the Reichstag did not participate in the ballot on the Enabling Act. This meant that Hitler needed only 15 votes from opposition parties to obtain a two-third majority. He was resolved to win these 15 votes by making more arrests in the Reichstag between the first and second reading of the Act. The Kroll Opera and the Conference Hall proper were filled with SS and the building was cordoned off by SS, so that nobody could escape. In this respect my prophecy was confirmed only too fully, namely that a dangerous precedent had been set in the preceding year, when, entering the Reichstag upon my return from the state funeral of the assassinated President DOUMER, I saw Prussian police behind the Reichstag president's chair, acting under orders of the Berlin vice president of police, hesitatingly jumping the balustrade of the Government balcony, and driving the Nazi delegates out of the Conference Hall with rubber truncheons.

DOCUMENT BOOK VI SCHMITZ
SCHMITZ DOCUMENT No. 101

Even worse was the fact that some newly elected delegates of various center parties, notwithstanding their earlier loudly protested pacifist and democratic opinions, fell under the spell of the Nazis, and threatened to vote for the Enabling Act in opposition to their own party leaders. The meetings of the center parties were attended, in the absence of the regular party leaders, even by party members who were not Reichstag members, and who, as was learned two days later, informed the Nazis of all trends and discussions in the other parties. In short, the Nazis were not only able to ensure for themselves a two-third majority by arresting a dozen delegates, but they were also informed of the secret inter-party negotiations regarding proposed amendments of the Enabling Act to safeguard civil and political liberties, and of the falterings of certain newly elected delegates from the center parties.

Many members of the DNVP, like delegates of other parties, realized, that Hitler's powers from the Reichstag fire decree, dated 28 February, were in actual fact of a far wider scope than that covered by the proposed Enabling Act. In the morning of 21 March, Oberföhrer approached me, prior to the commencement of the ceremony in the Potsdam garrison church, and on the same day I received a message from another influential DNVP member, asking me to come that evening to a meeting with HUGENBERG, in his house. At this meeting it was agreed that I should draft an amendment to the proposed Enabling Act, safeguarding civil and political freedom, and that, for tactical reasons, this amendment was to be proposed by the DNVP in the Reichstag. The amendment was drafted by Dr. BELL and myself in cooperation with two other Zentrum members and submitted to the DNVP.

When

the Reichstag convened, there was no indication that the DNVP would not, as pre-arranged, bring forward this amendment. Just before the second reading of the Act, a certain DNVP delegate passed near enough to my place, to tell me in a quick whisper, that it would be impossible to bring the motion that day. I was told next day, that 22 DNVP members, led by Dr. Eduard STADTLER, had threatened to leave the party and follow the Nazis, should the amendment be proposed. At that time it was a very serious matter to alter any Party's strength, especially as the Nazis had already arrested Minister SEVERING of the SPD, who was released just before the third reading of the Act, and they had threatened to go on arresting members until they would have a two-third majority not counting the Zentrum and smaller parties' votes.

Various sides hoped that within 2 or 3 months, HINDENBURG would be prepared to take effective action against Hitler. I had discussed this possibility with General von SCHLESCHER, when he visited me in hospital a few days after his resignation. We were agreed, that two possibilities existed which could cause the removal of the Nazis. The first, which I have mentioned earlier, was based on the fact that if they were to be cut off from outside support the difficult foreign exchange situation would put the Nazis in a hopeless position by the summer of 1934. Our second hope gravitated around the fact, that General von HAMMERSTEIN was not yet dismissed from office, after the appointment of General von BLOMBERG as Reich Defense Minister.

From the last 18 months' experience we both knew that the one General on active service who wished the Nazis to be in power was BLOMBERG, whose report on the Disarmament Conference in April 1932 did so much to make Reich-President HINDBURG distrustful of my policy. I had suggested to General GROENER in the summer of 1931 to remove BLOMBERG from his post on account of signs of mental and nervous instability shown by him after a serious riding accident. His removal could be attained with difficulty on account of persistent personal support given to him by Reich-President HINDBURG but his nomination as Chief of the German Military Mission at Geneva was seen as a step towards his retirement. During the years of my exile I have been surprised to find such a high degree of sympathy enjoyed by BLOMBERG on the part of foreign politicians, even among such as were usually clear-sighted in their judgment. Serious consequences arose from confidential communications made by BLOMBERG at Geneva to the military experts of other nations. I cannot now enlarge on these points, which had direct bearing on the final rupture between HINDBURG and me. I had to insist on BLOMBERG's recall after he had acted contrary to his instructions and to the disarmament policy of the Reichwehrminister and of the generals v. SCHLEICHER and v. HAMMERSTEIN.

With SCHLEICHER I discussed how long it would be possible for HAMMERSTEIN to retain his position under BLOMBERG as Reichwehrminister. SCHLEICHER's opinion was that provided HAMMERSTEIN had mended the breach between himself and HINDBURG he would be able to maintain himself in a position enabling him to undertake steps against the Nazis before the middle of 1933.

when, so it was' hope, the DNVP's disappointment would have induced them to join in influencing the Reich-President towards authorizing an operation by the Reichswehr. We therefore agreed that everything would have to be done to prevent the dissolution of the different parties by a decree before July 1933.

During the last days of June I learnt from a gentleman whom I had asked to contact General v. HANCKELSTEIN (I myself could no longer appear in public, attempts on my life having been made even at the hospital) that the latter was being relieved, step by step, of his usual functions as Chief of the Reichswehr and that he found it impossible to arrive at a reconciliation with HINDEMBURG. Until then, I had tried to keep the Central Party together in spite of the mass-arrests of its leaders in the country making it practically impossible to maintain regular connections with provincial and local offices.

Such were the main factors of the situation in March 1933. It must be added though that the actual wording of the Enabling Act, influenced by the DNVP, offered superficial guarantees for the freedom of action of Reich-President, Reichstag and Reich Council, lacking all provision for the infringement on civilian and political rights. I was extremely sceptical in this respect, any guarantee being insignificant unless the Reich-President and Reich Chancellor annulled the decree concerning the burning of the Reichstag, dated 28 February; it was clear that the wording had partly been formulated in a manner to satisfy HINDEMBURG's scruples as guardian of the constitution.

We knew that Hitler would have a two-thirds majority in the Reichstag on account of the impending secession by deputies

of the center parties and the absence or abstention from voting by certain socialist deputies, even if the Bavarian People's Party (Volkspartei), the center and the minor parties voted against the Enabling Act. A resolution was passed to ask Hitler, in return for a favorable vote by the center party on the decree, for a letter regarding the annulment of such parts of the decree concerning the burning of the Reichstag as tended to violate the civil and political liberties of the citizens. Such a promise was speedily drafted and approved by Hitler and Frick. They assured Dr. Kaas, the leader of the center party, that before the termination of the second reading of the act he would have in hand Hitler's signed consent. When no such letter appeared, Dr. Kaas was urged by the deputies of the center party to announce that the latter would vote against the act in its third reading but again he was assured by Hitler and Frick that the messenger entrusted with Hitler's official consent to annul the above-mentioned parts of the decree concerning the burning of the Reichstag must actually be at the Kroll-oper and that he probably had difficulties in passing the SS cordons. These rapid negotiations excluded joint deliberations by the parties between the different readings of the act. For this reason the center party and, as far as I remember, the Bavarian People's Party (Volkspartei) had decided that their leaders should have complete freedom of decision and that all deputies should be constrained to vote in agreement with whatever decision on the law was made by the party-leaders. Just before the third reading

Frick ceremoniously informed Dr. Kaas that Hitler's letter had already been delivered by the messenger at Dr. Kaas' office in the Krolloper.

Between the second and third reading Dr. Hackeleberger, who later died in prison, had been in contact with members of Reich-President Hindenburg's party. He reported that Hindenburg was giving his full support to Dr. Kaas' demand for the annulment of the decree concerning the burning of the Reichstag and that, on this basis, he was appealing to the center-parties for a favorable vote on the Act since the continuation of the parties which, in 1932, had voted for him as Reich-President was a requirement for any action which he might carry out later on. My own scepticism was not abated by the messenger of Dr. Frick nor by Dr. Hackeleberger's report. But the implication of their communications isolated without hope the few deputies sharing my misgivings.

In summing up, nothing could have been gained by a rejection of the Enabling Act since the decree of 28 February, according to which the Communists had already been excluded, would have remained in force, and would have been applied for the dissolution of the anti-Nazi parties. These parties had to choose between two irrevocable alternatives: a vote for the Enabling Act, relying on an subsequent change in Reich-President Hindenburg's attitude or the rejection of the Enabling Act implying the direct menace of personal arrest and dissolution of their party followed by the arraignment of Reich-President Hindenburg's and Hitler's election as Reich-President.

Hindenburg's subsequent attitude demonstrated that expectation for action on his side was not entirely unfounded. One of the few people who could still establish a contact between Hindenburg

and he told me, for instance, that Reichbishop Mueller's nomination liberated Hindenburg from all illusions on the character of the Nazi Regime. The Reich-President's correct perception of the situation during his periods of mental lucidity was by no means followed by direct action. In increasing measure he was kept in actual isolation, the members of his personal entourage being disturbed by various threats, one of the most effective of the latter being the Nazi-intimidation of revealing their personal affairs and their attempts of influencing the Reich-President.

Generalfeldmarschall von Mackensen's access to the Reich-President, for instance, made it possible to liberate many people, inclusive of two leaders of Trade Unions, from Concentration Camps and prisons but Mackensen was too old for important political missions. Others who previously had free access to the Reich-President and who to a considerable degree were responsible for his vacillating policy in 1931 and 1932, as Herr von Oldenburg and Herr von Rippel, were now prevented to approach him, either by intimidations or arrest. When it became obvious that Hindenburg would not survive the summer of 1934, all efforts for the preparation of a rising against the Nazis had to be concentrated for the early summer.

Under great difficulties and dangers, beginning in the spring of 1933, contacts were established between various people aiming at the creation of a basis for widely-spread resistance against Hitler. Important groups were formed in the army, establishing connection with men who had formerly been actively engaged in politics

and also with a growing number of prominent Nazis who were dissatisfied with Hitler's regime. When the foreign exchange situation in the spring of 1934 became even more critical, there were far-reaching attempts to open resistance, such as the demonstration by the students of Bonn. Better prepared risings were attempted on various occasions, many of these men losing their life on 30 June 1934. Most of the survivors were executed after the last attempt on Hitler's life in 1944. I am not going to discuss every reason why, in 1934, their efforts miscarried, limiting myself to the observation that, at the time, one or two men tried to assume the leadership of the opposition, men who in spite of their personal courage unfortunately lacked the indispensable qualities of discretion, of clear vision, of a quickly reacting creative imagination and firm resolution.

All the discussions which I read in German papers and periodicals seemed to overlook completely three factors, the first of these being Hitler's unusual instinct and his power of imagination in foreseeing the actions of his adversaries. He was able to make decisions on his own and had the power to realize his resolutions on the spot. His opponents had no such power and daily had to mend broken links in the chain of their plans under constant danger. A second main factor was the reversed policy of some foreign powers who had constantly resisted the policy of subsequent German governments as long as the latter were democratic thereby, through their resistance and intensive menace undermining the authority of one after another of the Weimar Governments but who now, on Hitler's rise to power, suppressed all such threats. The third factor was the Weimar Constitution itself. In their efforts of guaranteeing democratic

liberties for every imaginable case its originators had borrowed without distinction the guarantees provided in foreign constitutions. This resulted in reducing the responsible government to the state of an important mediator between a parliament unwilling to accept public censure for oppressive measures demanded by the Peace Treaty and a Reich-President whose authority, on account of his unanimous election by the whole people, was bound to be considerable and likely to increase since economic and financial problems arising from the Peace Treaties and, specifically, from the reparation-program multiplied problems which could not be solved by normal parliamentary debates.

It has been completely overlooked that, until 1937, Germany had only a limited sovereignty with regard to her financial and economic policy. This artificial limitation gave a certain unreality to all activities of the German Government and of the Reichstag. It prepared the requisite ideological basis for a totalitarian ideal as it would have done in every country under similar conditions.

Reich-President Hindenburg was correct in saying, as he frequently did, that it was impossible to suppress one of the totalitarian parties while allowing freedom to the other. A major part of the misfortune which has befallen Germany, arose from the misconceptions on law and constitution by certain men, that the government might suppress the Nazi-Party without simultaneously dissolving the communist party. In this respect Hitler, as well as his advisors surpassed the leaders of their rival totalitarian party. He knew how to exploit legally all the

democratic guarantees of the Weimar Constitution to attain the power enabling him to discard all such guarantees.

The best constitutional guarantees for every country are sound economic conditions, an active receptiveness for moral principles - valid equally for all nations and individuals - forming the basis for any constructive policy and, finally, the historical perception, that even fundamental democratic conceptions can be relaxed and destroyed (as shown by Gnoist in his comprehensive comparison of the development of political institutions in England and in Germany) by excessive individualism leading to Utopian ideals or replacing them by mutual reproaches on account of the voters' and their representatives' readiness to assume responsibility for measures which are not welcome in their immediate effect but which guarantee the necessary basis for a prosperous future.

In my opinion, German public discussion should, in a constructive measure, be more bent on these viewpoints of the past than on depreciating the men who, under the most difficult conditions, tried to save what could still be saved, in order to gain a short period of time at least during which could be created the requisite conditions for decisive action.

With kind regards,

sincerely Yours,

Heinrich BRUNING

DOCUMENT BOOK IV, SCHMITZ
SCHMITZ DOCUMENT No. 101

One of the main factors of Hitler's rise to power which I have mentioned in passing only was the fact that, in 1923 and later, he received large sums of money from foreign countries and that he was well paid for the sabotage of passive resistance in the Ruhr district. In later years he was paid to create disturbances and to encourage revolutionary tendencies in Germany, paid by men who imagined that by such means Germany could be permanently weakened, rendering the existence of any constitutional central government impossible. Those who for so long have tried to suppress this fact are mistaken in their belief that they can continue to do so for any length of time.

I hereby certify the above document to be a true and literal copy of an article from the "Deutsche Rundschau", published by Rudolf PUCHEL, 70th year, Book 7, July 1947, entitled "A Letter" by Heinrich Bruening.

Muenberg, 19 March 1948

signed: Hanna GIERLICH

Excerpt from a lecture given by the former Reich Chancellor
Heinrich BRUNING, subject

"The Statesman"

Reprinted for private circulation from The Works of the Mind
(The University of Chicago Press, 1947)

Pages 109 - 111

.... "When Hitler came into office, it was possible to calculate almost exactly the number of months before his government would fail for lack of foreign exchange if the economic and financial policies of other countries remained unchanged. Every financial expert I knew agreed with me that the difficulty of renewing the standstill agreement on foreign loans with a steadily dwindling foreign exchange reserve would bring the Hitler government to an end in the summer or fall of 1934.

Three unforeseeable factors altered the situation. I think that we had all overestimated the farsightedness of foreign governments and their interest in ending the violent totalitarian regime in Germany. Hitler's first relief from the financial difficulties produced even by his very small initial rearmament program was provided in the spring of 1933 by the government of the United States. The devaluation of the dollar substantially reduced the amount of foreign exchange needed by Germany for interest

payments on foreign loans and reduced by 40 per cent the enormous indebtedness of municipalities and industries, especially heavy industries, to the United States. I shall not introduce statistics, but say only that the reorganization and splitting-up of some of the big combines in heavy industry, which was initiated before I left office, became unnecessary when their bonded debt was reduced by 40 per cent, their share capital having already been reduced in a ratio of three to one at the beginning of 1932.

The devaluation of the dollar provided a breathing spell. After the bloody purge of June, 1934, in which Hitler and Himmler murdered ten thousand of their leading opponents inside and outside the Nazi party, came the Anglo-German payments agreement. That agreement provided such extensive support for the Nazi regime that some of the German civil servants sent to London to negotiate it, after wavering between patriotism and their hatred of the Nazi government, hinted to the British negotiators that the terms of the agreement would stabilize Hitler's power. Some of the German delegation secretly asked me to warn the gentlemen then chiefly responsible for British foreign policy of the consequences of the agreement. . I did so, and was told that I was completely mistaken. This is not my reconstruction of events. In 1939 a London paper owned by the later Minister of Information Brendan Bracken stated that the Anglo-German payments agreement was the major factor in German

rearmament and that some of the German negotiators had done what was possible in their position to prevent the conclusion of the agreement.

Hitler's third friend in need was the Soviet Union. While I was in office agreements had been made for the delivery to Russia from Germany of large amounts of industrial machinery, the payments to be made over fifty-four months, in three-month instalments. Hitler enjoyed the full benefit of the repayment of one and a half to two billion marks in foreign exchange and gold and armament materials. Everyone in Germany expected the Russian government to stop payment after the Nazis illegally seized the gasoline stations maintained all over Germany by the Russian state organization for gasoline distribution. They did not do so.

Thus three foreign powers involuntarily enabled the Nazi government to conduct a rearmament program which would otherwise have been impossible. In yet another way they indirectly supported German armament. The Reichsbank law, which was an integral part of international reparations agreements, strictly limited credit expansion in Germany. After the banking crisis a credit expansion was essential. By legal devices we succeeded in making acceptable to the reparation creditors an expansion large enough to relieve acute difficulties but too small to promote general recovery. In 1937 Hitler flatly renounced the international agreements restricting credit.

DOCUMENT BOOK VI SCHMITZ
SCHMITZ DOCUMENT No. 102

expansion, and the foreign creditors made no objection. These are four principal elements of the "Mystery" of Nazi success. They constitute what is known in a voluminous literature as "the wizardry of Dr. Schacht." The unconscious wizards were in the foreign countries I have mentioned. Except in the case of Russia, these steps were all taken because of the lack of any comprehensive review of the consequences of particular, departmental measures.

I herewith certify that the above document is a faithful extract from a lecture entitled "The Stateman" given by the former Reich Chancellor Heinrich HUGENBERG.

Nuernberg, 9 February 1948

signed: R. DIX

I, Hermann FUMHEL, 93 Ivy Street, Brookline, Mass., am aware of the fact that I render myself liable to punishment if I depose a false affidavit. I declare in lieu of oath that my statement conforms to the truth and was made to be submitted as evidence to the Military Tribunal, Palace of Justice, Nuremberg.

During the period of my membership of the I.G. Farben Aufsichtsrat, i.e. up to approx. 1935, I was well-informed on the business transacted on the responsibility of the Aufsichtsrat and the Vorstand. After approx. 1935 I no longer had knowledge of such business transactions. In any case I never heard of any transaction which could be regarded as supporting Hitler in a policy of aggressive war. Nobody could commit the I.G. without Bosch's knowledge and approval, as long as the latter held a position of responsibility.

Regarding Bosch's attitude, he hated Hitler personally and hated National Socialism as a party. The debates in the Reich Association of German Industry, where Carl Bosch had fierce arguments with people who wanted to come to an agreement with Hitler, show his opposition to Hitler even before the so-called seizure of power. In the course of the following years he often publicly stated his opposition to Hitler in such a forceful way

that he was repeatedly threatened with being sent to a concentration camp.

In January 1935, he, "as responsible leader of large industrial enterprises in the chemico-technical sphere", handed a memorandum to the Hitler government warning them against the threatening destruction of the scientific apparatus of the universities, learned colleges and institutions. This memorandum earned him Hitler's special hatred.

In September 1934, Bosch, as president of the Assembly of German Physicists and Doctors, incurred the displeasure of Hitler's representative during the meeting in Hanover, because at the end of his speech he simply ignored Hitler's existence. Only his long-planned departure for the U.S.A. the next morning saved him from the verbally-threatened arrest.

Also, after I had left the Aufsichtsrat, approx. in 1935, I maintained personal contact with Carl Bosch, who regarded me as his political confidant.

With his agreement I contributed large sums to the Democratic Party, as long as it existed.

Our main weapon against Hitler was to be the Frankfurter Zeitung, to which several million Marks were donated with the intention of having an independent paper available in the event of Hitler's downfall.

After I had left Germany to escape the persecution which was threatening me, and after Carl Boach, whose heart was broken by National Socialism, had died, this weapon was wrested out of the hands of Hitler's opponents.

I left Germany in Spring 1939.

signed: Hermann Rummel

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

January 5, 1940

Then personally appeared the above-named Hermann Rummel who made oath that the above statement is true to the best of his knowledge,

Before me,

sign. Eva B. England
/t/ EVA B. ENGLAND
Notary Public

Eva B. England
Notary Public
(Stamp)

My commission expires
March 11, 1949.

AFFIDAVIT

I, Dipl. Ing. Walter STEINLE, residing at Herno, Schenckring 6,
Lindle
have been cautioned that I render myself to punishment if I depose
a false affidavit. I declare in lieu of oath that my statement conforms
to the truth and was made to be submitted as evidence to the Military
Tribunal in Muenster, Germany.

From 1 April 1928 to 31 December 1939, I was employed at the Ammoniak-
werk Merseburg GmbH. (Leunawerke); my last position was that of
Department Chief Engineer for the whole fertilizer plant. By order of
the I.G. Farben I built a complete synthetic nitrogen plant for the pro-
duction of ammonium sulphate for the Nippon Tar Company in Kuroaki
(Japan) in 1936-1938. On account of these experiences I was then
appointed technical chief of the nitrogen plant for the production of
ammonium sulphate which was to be built in Linz.

In this capacity I visited the Leunawerk in Summer 1942 together with
the chemical chief of the Stickstoffwerke Ostmark AG., Dr. Max Neumann,
to clear up a number of technical questions there and to conduct
some financial negotiations with the chairman of the Aufsichtsrat,
Herr Dr. Fuotefisch.

We returned to Linz from Leipzig in the sleeper of the night express

Gaulleiter Eicruber of the former Gau Upper Danube, too, had a compartment in the sleeper. Eicruber knew me from the negotiations on the integration of the nitrogen plant into the industrial district of Linz.

When he saw me he came up and said, "The nitrogen plant is an I.G. plant, too?" We answered in the negative and explained to him that the Linz nitrogen plant was a co-operative foundation of the whole German nitrogen industry, and that the I.G. participated only to an extent corresponding to its own production of nitrogen. Eicruber then said approximately the following, "I do not want the I.G. in my Gau. I have just been to see the Fuehrer. He is terribly furious about the I.G., because it is a state within a state. He (Hitler) has firmly decided to smash that whole racket completely after the war. He would love to do it right now, but that is not possible at the moment. But after the war they will not be spared anymore, there will be a thorough clearing up."

With these words Eicruber broke off the conversation and left us standing there. I still remember these words extremely well because Dr. Neumann and I were flabbergasted by such an attitude, completely nonsensical to our mind, and we still had a long talk about it in our compartment of the sleeper.

I also told Dr. Dustafisch about this discussion when he was in Lins shortly afterwards, and also mentioned it to several other gentlemen working in Lins.

Herne, 5 February 1940.

signed: Walter Steinle

Number 21 of the Document Register for 1940.

I herewith certify the signature of Dipl. Ing. Walter Steinle, Herne, Shamrockring 6. The affiant is personally known to the deputy notary-public.

Herne, 5 February 1940.

signed: Hermann HOELSCHER

deputy notary - public

(stamp)

Statement of costs:

Value RM 3 000,- (art. 24 Fee Regulations)
Fee, as per art. 144, 26.39 Fee regulations
Turn-over tax

	RM	16.-
	"	0.40
Total	RM	16.40

deputy notary - public

signed: HOELSCHER

Affidavit

For stamp:

I, Dr. Max E. Ullrich, resident of Linz-Danube, St. Peter 22a,
have been cautioned that I render myself liable to punishment by
making a false statement. I declare on oath that my statement is
true and was made to be submitted as evidence to the Military Tribunal
at Wehrkreis-Germany.

I have read the affidavit of Dipl. Ing. Walter STEINLE of
8 February 1948, of which I enclose a copy, and confirm in all its
details the described incident in the sleeper (air) Linz.

Linz, 8 March 1948

signed Dr. Max E. ULLRICH

For stamp:

Document Register No. 572/1948

I hereby certify and attest the above signature of Dr. Max
E. Ullrich, chemist, residing at Linz, St. Peter 22a, who is known
to me personally.

Linz, fifth (5) March nineteen hundred and forty-eight (1948)

Legal Fee: AS 7.50
Distance Fee " 7.50
Stamp: " 2.--
From fire: " -.40
Turnover tax " -.40

signed Karl Raimund AUER
Notary Public

Total
AS 17.80

(seal)

Copy

A f f i d a v i t

I, Dipl. Ing. Walter STINKE, resident of Harna, Shamrockring 8, have been cautioned that I render myself liable to punishment by making a false statement. I declare on oath that my statement is true and was made to be submitted as evidence to the Military Tribunal at Aachen, Germany.

From 1 April 1923 to 31 December 1939 I was employed by the Leunawerk Merseburg G.m.b.H. (Leunawerke), last as Abteilungs-oberingenieur (section chief engineer) of the whole fertilizer plant. On behalf of the IG Farbenindustrie I constructed between 1936 - 1938 a complete synthetic nitrogen plant for the production of ammonia sulphate for the Nippon Tar Corporation in Kuroaki (Japan). On the basis of these experiences I was then appointed technical manager of the new nitrogen plant for the production of lime ammonia nitrate to be built at Idar.

In this capacity I visited the Leunawerk in summer 1942 together with the chemical manager of the Stickstoffwerke Ostmerse L.G. Herr Dr. Max MULLER, in order to clarify various technical questions there and to discuss financial questions with the chairman of the Aufsichtsrat Dr. KUTTFISCHE.

Afterwards we returned from Leipzig to Linz in a sleeper of the night-express-train. In the same sleeper Guilelmo EIGAUER of the Gau Upper Danube also had a compartment. EIGAUER knew us from negotiations concerning the registration of the nitrogen plant in the industrial district of Linz.

When he saw us he approached us and said: "Is it not true that the nitrogen plants are also an IG plant?" He replied in the negative and explained to him that the nitrogen plants of Linz were a joint foundation of the whole German nitrogen industry and that the IG had only a share in it according to its own production of nitrogen. EIGAUER then continued approximately like this: "Well, though it may be true, I do not wish to have the IG in my Gau. I just saw the Fuehrer. He is terribly annoyed about the IG, for it is indeed a state within the state. He (Hitler) is firmly resolved to smash the whole enterprise completely after the war. He would like to do so immediately, however, it is not possible at the moment. After the war nothing will be spared and there will be a thorough mopping up."

With this EIGAUER put an end to the conversation and left us. I still remember these remarks very well, for Dr. MADSEN as well as I were quite stunned by this attitude which, in our opinion, was idiotic and we discussed it at length in our compartment.

I then also informed Dr. HUPFISCH of these statements on the occasion of his next visit to Linz which took place shortly afterwards and I have also told several of the gentlemen employed in Linz about them.

Berne, 2 February 1948

Signed Walter STINKE

A f f i d a v i t .

I, Dipl.-Ing. Harald VIOL T, resident of Ludwigshafen on the Rhine, IV. Gartenstr. 10a, have been cautioned that I render myself liable to punishment by making a false affidavit. I declare on oath that my statement is true and was made to be submitted as evidence to the Military Tribunal VI of the Palace of Justice, Nurnberg, Germany.

On 1 February, 1937 I joined the IG Farbenindustrie Aktien-
gesellschaft, Plant Ludwigshafen, as Diplomingenieur and was
at first employed in the technical engineering department.
On 1 January 1940 I was transferred as construction chief to
the new Linz plant of the Stickstoffwerke Ostarr. AG., which
was to be built. One of the directors was Dipl. Ing. Walter
STEINLE, who - I do not remember exactly any more whether it
was in 1941 or 1942 - informed me of the following concerning
a conversation he had with the Gauleiter of Linz, EIGRUBER:

Shortly before the discussion with STEINLE, EIGRUBER had
been at the Fuehrer's Headquarters where he reported to
Hitler about the progress of the building at Linz.

DOCUMENT FOUR VI SCHWITZ
SCHWITZ DOCUMENT No. 108

line is known to have been under Hitler's sponsorship. EIGERER told Herr STEINLE that the IG was not in the Fuhrer's good books. It was allegedly a state within the state. During the war now he unfortunately needed it, but after the war he would also eliminate it.

These remarks were passed on to me - as the then building manager of the nitrogen plants which the IG was erecting on behalf of the nitrogen syndicate - by Herr STEINLE immediately after he had seen Gauleiter EIGERER. I naturally cannot remember the exact wording any more, however, the essential meaning of it was engraved in my mind on account of the importance of the remarks.

Ludwigshafen/Rhine, 21 January 1943

signed Harald VIOLST

I hereby certify and attest the above signature affixed before me Dr. Wolfgang ALT, Assistant defense counsel, to be that of Herr Dipl. Ing. Harald VIOLST, residing at Ludwigshafen/Rhine, IV, Gartenweg 10a.

Ludwigshafen/Rhine, 21 January 1943

signed Dr. Wolfgang ALT
Assistant Defense Counsel

A f f i d a v i t

I, the undersigned, hereby declare on oath:

"I remember to have heard during a conversation in 1943 or 1944 that Hitler made a remark purporting the following:

"The IG is internationally interlaced financially. It is gambling away its patents on America. I shall take an example of these patents and shall have a number of them, not the least important ones, placed before a firing squad."

I know that I render myself liable to severe punishment by making a false affidavit and that this statement is to be submitted as evidence before the International Tribunal at Nuremberg.

Munich, 11 March 1948

signed Heinrich BOFFMANN

Document Register No. 340

I hereby certify and attest the above signature of Professor Heinrich BOFFMANN, cameraman in Munich, Eberhardstrasse 5, temporary resident of Munich, Upper Bavaria.

Munich, eleventh March nineteen hundred and forty-eight

Notary Public

signed GRADWOHL
(Gradwohl) Notary

(seal)

DOCUMENT BOOK VI SCHMITZ

CERTIFICATE OF TRANSLATION

21 April 1946

We, EDWARD ELL COB, EMILIA TIEZER and AUBREY DOVEY, hereby certify that we are duly appointed translators for the English and German languages and that the above is a true and correct translation of the Document Book VI Schmitz.

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34 - 43

EDWARD ELL COB

ETO No. 20148

" 1 - 7

26 - 33

44 - 50

EMILIA TIEZER

ETO No. 25967

" 16 - 24

AUBREY DOVEY

ETO No. 20115

" END "

CASE 6 - TRIBUNAL VI

DEFENSE

SCHMITZ

Loose Copies of Documents separately distributed

English



C O P Y

Document No. Schmitz 1
Schmitz Exhibit No. 1

Nuernberg, 14 October 1947

C e r t i f i c a t e

I, HANNES GIERLICH, Defense Counsel in Case VI.
US-Military-Tribunal No. 6

hereby certify that the attached document
consisting of

33 stenciled pages

entitled "Hitler and the Industrialists of the Ruhr"

A retrospective Survey by Ernst Poenagen

ORIGINAL

s/ Gierliche
attorney-at-law

This Document is not available



C O P Y

Document No. Schmitz 2
Schmitz Exhibit Nr. 2

Muerenberg, 18 November 1947

C e r t i f i c a t e

I, HANNS GIERLICH, Assistant Defense Counsel in Case VI,
US-Military-Tribunal No. 6

hereby certify that the attached document

consists of

three photos

entitled 7761, 7740, 7718

s/ Gierliche

attorney-at-law

Document not available

C O P Y

Document No. Schmitz 3
Schmitz Exhibit Nr. 3

Muenberg, 18 November 1947

C e r t i f i c a t e

I. HANNS GIERLICH, Assist. Defense Counsel in Case VI,
US-Military-Tribunal No. 6

hereby certify that the attached document
consists of

seven photos

entitled Russian Eastern workers in Auschwitz, Upper Silesia.

s/ Gierlich
attorney-at-law

Document not available

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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Target 2

Schneider (part)

1-9

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Defense
Case 6

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for Dr. Christian Schneider.

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EXHIBIT No.
BURIAL EXHIBIT No. 1

Excerpt

from

the Reich Law Gazette

Annual set 1916

No. 276

Contents: National Auxiliary Service Act

Page 1333.

(No. 5595) National Auxiliary Service Act of 5 December
1916.

○ We, Wilhelm, German Emperor and King of Prussia
by the Grace of God, decree the following in the Name
of the Empire, after approval by the Federal Council
(Bundesrat) and by the German Parliament (Reichstag):

Paragraph 1.

National Auxiliary Service is obligatory during
the war for every male German, after having completed
the 17th year of his life till the end of the 60th year
of his life in so far as he was not called up for
military service.

○ Paragraph 2.

All persons, who are employed by official author-
ities in official installations, in the war industries,
in agriculture or forestry, in sick nursing, in any
war-industrial organisations or in other professions
or plants, which have indirect or direct influence on
the waging of the war or on the supplying of the nation,
are regarded as "working" for the national auxiliary
service in so far as the number of these persons does
not exceed the actual need.

Persons, liable for auxiliary service, who were
working in agriculture or forestry before 1 August 1916,
must not be taken out of this employment for the pur-
pose of being transferred to another occupation in the
national auxiliary service.

- 2 -

Page 1335 -

Paragraph 7.

Persons, liable for auxiliary service, who are not employed as specified in paragraph 2, can be drafted into the national auxiliary service at any time.

Recruitment as a rule is effected by a first request for voluntary enlistment, the request being issued by the War Office or by an authority to be designated through the intervention of the control district authority. In case this request does not meet with adequate response, the individuals, liable for auxiliary service, will be drafted as the result of a special written request, issued by a committee.

- 2 -

Excerpt from Reichsgesetzblatt, Year 1929.

Part II
Slavery Convention. +

Albania, Germany, Austria, Belgium, the British Empire, Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand, and India, Bulgaria, China, Colombia, Cuba, Denmark, Spain, Estonia, Abyssinia, Finland, France, Greece, Italy, Latvia, Liberia, Lithuania, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Rumania, the Kingdom of the Serbs, Croats and Slovenes, Sweden, Czechoslovakia and Uruguay.

Article 1.

For the purpose of the present Convention, the following definitions are agreed upon:

- (1) Slavery is the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.
- (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Article 2.

The High Contracting Parties recognize that recourse to compulsory or forced labor may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage,

+ English text also given in the Reichsgesetzblatt.

- 2 -

to take all necessary measures to prevent compulsory or forced labor from developing in conditions analogous to slavery.

It is agreed that:

1. Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labor may only be exacted for public purposes.
2. In territories in which compulsory or forced labor for other than public purposes still survives, the High Contracting Parties shall endeavor progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labor exists, this labor shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the laborers from their usual place of residence.
3. In all cases, the responsibility for any recourse to compulsory or forced labor shall rest with the competent central authorities of the territory concerned.

- 4 -

DOCUMENT BOOK I COMBINDER No. 4
EXHIBIT No.
DOCUMENT I-11111 No. 2

Excerpt
from the
Reich Law Gazette
Part II

1938 Issued in Berlin, on 18 October 1938 No. 171

Page 1441

.... Third Decree of
15 October 1938
to guarantee the labor requirements for
tasks of special importance
to national policy.
(Emergency Decree).

On the basis of the Ordinance for the implementation
of the Four Year Plan, of 18 October 1938 (Reich Law
Gazette I, page 887) I hereby decree as follows:

- Article 1.

- (1) To combat and take preparatory measures against
public emergencies, inhabitants of the Reich territory
may be drafted for a limited period for emergency
services (Notdienstleistungen).
- (2) The authorities (Art. 2) may require emergency
services for the accomplishment of tasks in the supreme
interest of the State. Such service may consist of po-
sitive action, of toleration or of non-action.
- (3) Services under the Defense Law (Wehrgesetz) in
the Reich Labor Service (Reichsarbeitsdienst), with
the Customs Border Patrol (Zollgrenzschutz), the
Police, the SS Special Duty Troops (SS-Vorfuehrungsgruppe),
the SS Deathhead Formations (SS-Totenkopfverbände)
the Air Raid Alarm Service, Air Raid Prevention and
Auxiliary Service will in every case have priority over
the Emergency Service.
- (4) Foreign nationals are not to be drafted for emergency
service if reasons exist for their exemption by virtue
of state treaties or by virtue of recognized provisions
of international law.

DOCUMENT 8001 I SCHNEIDER No. 4
EXHIBIT No.
EXHIBIT 101312 No. 2

- 2 -

(5) Any persons subject to emergency service has the duty and the right to use property in his possession or custody in the performance of the service upon request of the person entitled to such service....

Article 8.

This Decree becomes effective as of 1 September 1938.

Berlin, 15 October 1938

- 3 -

Excerpt
from
the Reich Law Gazette
Annulment 1942
Part I

Page 206.

Decree for the safeguarding of personnel requirements for tasks of extraordinary importance for national policy of 13 February 1939.

The accomplishment of urgent tasks of extraordinary importance to national policy must not be jeopardized by the lack of manpower. For the execution of such tasks the possibility must exist of enrolling inhabitants of the Reich-territory for service and for creating stronger ties with the place of employment.

On the basis of the decree implementing the 4-year plan of 18 October 1936 (Reich Law Gazette I page 387) I therefore decree the following:

Section I

Compulsory Service

Article 1.

- (1) The Labor Office can conscript inhabitants of Reich-territory for the execution of tasks which are considered by the Delegates for the Four Years' Plan as being especially important and urgent. The Labor Office can order the release of workers from private and public enterprises and administrations for this purpose.
- (2) Foreign nationals are not to be drafted for service if reasons exist for their exemption by virtue of state treaties or by virtue of recognized provisions of International Law.

Berlin, 13 February 1939.

The Commissioner for the Four
Years' Plan Goering,

General Field Marshal.

DOCUMENT BOOK 1 SCHNEIDER No.7
EXHIBIT No.

Burlart
Exhibit No. 5

E x c e r p t

from

"REVIEW OF FOREIGN PUBLIC LAW AND INTERNATIONAL LAW"

Volume X (1940), pages 484 ff.

MAKAROV : Compulsory Military and Labor Service
of Foreigners in France.

(Pages 484-490: No. Compulsory Military Service)

(Page 490)

Compulsory Military Service of at least persons has been
legally regulated in the comprehensive new version of art.3
of the recruitment-law for 1938, ordered by a decree of
28 September 1939.²⁾ Paragraph 2 of this article now runs
as follows:

" Young men without any nationality, residing in France
will be called up with their class and enrolled in
French regiments in order to serve their time in the
army, as imposed by the law. Their status is fixed by
a ministerial decree".

2)
Legal Gazette of 2 November 1939 page 12018. - A decree of
28 February 1940 extended the applicability of the decree
of 28 September 1939 also to the colonies: Legal Gazette of
5 March 1940 - pp 1586.

II.

The liability of foreigners for a review ⁱⁿ the defense of the country has been considerably extended by a decree having force of law as from 12 April 1939 ³⁾. Art. 3 paragraph 1 of this decree runs as follows:

"Foreigners without any nationality and other foreigners enjoying the right of sanctuary, of both sex, between the ages of 20 and 46, etc., subject to the conditions fixed by the regulations of recruitment, liable to render service to the French military authorities for the same period as it is imposed on the French citizens in peacetime; the nature and manner of execution of these services will be fixed by decree."

In implementation of this article a decree relating to the registration of persons concerned by this article was issued on 20 July 1939 ⁴⁾; a further decree of 4 September 1939 published provisions for the recruitment of

3) Legal Gazette of 16 April 1939, page 6810, published in the "Revue critique" 1939, p. 160. By a decree of 18 May 1939 the validity of this decree has been extended also to the colonies. Legal Gazette of 21 May 1939, p. 5462, published in the Critique de Droit 1939, p. 371 f.

4) Legal Gazette of 22 July 1939, p. 9287. A decree of 10 Sept. has published analogous provisions for the colonies: Legal Gazette of 17 Sept. 1939, p. 11865.

Eckhart
Exhibit No.5

persons concerned under article 3 of the Decree of 12 April, ¹⁾
and a decree of 15 January 1940 ²⁾ published further provisions
for the employment of stateless persons and of foreigners enjoying
the right of sanctuary in France.

As far as the latter category of foreigners is concerned, it
includes all persons "who declare to be refugees in France and
who enjoy the right of sanctuary" (Art.3 of the decree of 20 July
1939). Subject to the registration are primarily all foreigners
"enjoying the right of sanctuary," as far as they are in possession
of an identity-card (Art. 5, par. 1 of the decree of 20 July).
In case the foreigner in question has no identity-card but has been
staying in France for more than two months, he is likewise subject
to registration, ³⁾ unless he can prove that he has taken steps
to leave French territory (Art.5 par.2 of the decree of 20 July).
In this latter case, his registration will be deferred for three
months. This term can be extended by the prefect; the registration,
however, must not be deferred for more than one year (Art.5 par.3)
If a foreigner declares on the occasion of the registration that
he does not consider himself a refugee or if the right of sanctuary
is not granted to him, he is not entitled to take advantage of
this right.

- 1) Legal Gazette of 10 September 1939, p.11290 - A decree of
4 November 1939 has published analogous provisions for the
colonies. Legal Gaz. of 12 Nov. 1939, p. 13047. Corrected:
Legal Gazette of 5 January 1940, p.199.
- 2) Legal Gazette of 15 January 1940, p.515.
- 3) Art.3 of the decree of 12 April 1939 has explicitly stated
that it may not be applied to foreigners who have been staying
in France for less than two months or who are in possession
of a "carte de tourisme" (Tourist's card).

Burkart
Exhibit No.5

in case he should be expelled later on. (Art.6 par.1). The decree of 4 September 1939 concerning conscription gives the foreigner the possibility to avoid compulsory military labour service even at a later stage. Article 5 par. 4 of this decree runs as follows:

"As for the rest, each foreigner liable to service can demand at any moment to be exempted from service by discontinuing his residence in France on conditions that will be fixed subsequently."

These conditions have been fixed in the decree of 13 January 1940, with regard to the discontinuance of military service already begun: according to article 51 of this decree, the labour service can be discontinued by an "interministerial dispensation" by the War Minister and the Minister of the Interior, and the foreigner in question may be exempted from further service, if he has obtained permission to settle in a foreign country.

The decree of 12 April 1939 subjects the stateless persons

page 500

and foreign nationals who enjoy the right of sanctuary in France to "services, the nature and manner of the execution of which are fixed by decree."

The decree of 20 July 1939 has fixed (Art.10):

"A complementary decree will determine the conditions under which the conscription of these foreigners will be effected, the units in which they will serve and the duration of their service."

The decree of 4 September 1939 has laid down provisions for the conscription of the foreigners affected by art. 5 of the decree of 12 April, but did not yet contain any further provisions concerning the nature of the service and its duration,¹⁾ since it only used the general term "services", according to the example of this decree.

Only article 9 of the decree of 13 January 1940 says about this:

"The foreigners liable for services will be employed by the Minister for National Defense and War in the execution of all work necessary for the department of national defense. They can be put at the disposal of other departments of national defense and of public administration offices for execution of any work of national importance. Moreover, they may be given the necessary instruction in order to assure to the units formed for this purpose the cohesion and the training which are indispensable for their employment as well as for the constitution of their unit."

- 1) Article 6 of the Decree of 4 Sept. says in general that the conscription board decides:
- a) whether the concerned person is to be left finally on the "réserve générale" (general report);
 - b) as to his physical ability to render services;
 - c) as to the granting of a deferment;
 - d) and in given case as to the assignment of certain foreigners to special units" on conditions that will be fixed subsequently!

It follows from the text of this article that the "services" which are to be rendered by the stateless persons and those foreigners who enjoy the right of sanctuary do not consist in active military service but in a labor service for purposes of national defense. This labor service, however, has been organized on purely military lines. The foreigners subject to it are being grouped in "formations de combattants" (formations of servicemen) the organization of which is fixed by the War Minister. (Art. 7 par. 1). Exceptionally, individual foreigners may be employed in special services (Art. 7 par. 2). The foreigners in question are given a "fascicle of mobilization" (fascicule de mobilisation), in the same way as the French veterans according to the recruitment-law of 1928 (Art. 11). During the labor service, persons who are rendering such service, are subject to army regulations concerning general discipline (Art. 12). Moreover, some of the articles of the recruitment-law of 1928 (i.e. the provisions as to allowances to their dependents without means in peace-time) and of the decree of 8 November 1939 as to the military allowances (Art. 13 of the decree of 13 January 1940) are being applied to them.

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The duration of military labor service varies according to the age the foreigners in question have reached on 1 January of the year in which they receive the permit of residence (condition de séjour) for the first time (Art. 1). In peace-time, the duration of labor service for persons between the ages of 20 and 35 years will be the same as the term for active service in the army for French nationals.

(art.2, par.1). liable to the same term is anyone who tried to evade the labor service by pretenses or fraud (art.2 par.2). Foreigners between the ages of 35 and 40 years have to serve half of the time of active service for French nationals (art.2 par.3) and those between the ages of 40 and 45 years have to serve a fourth of that time (art.2 par.4). In periods of political tension or in war-time the labor service may be extended beyond this term, but not beyond the age of 45. The War Minister shall determine each year which categories of foreigners are to become subject to labor service and whether this service has to be done continuously or for certain periods of time (art.3). Stateless persons who have done active service in the army or are liable to such service, as well as all foreigners who have served in the foreign legion are exempt from labor service (art.4 par.2). Those foreigners who become naturalized during the period of labor service, are immediately subject to active service in the army, but the time of labor service already completed, will be deducted from the time of active service in the army (art.5).

By a decree of 5 February 1940 ¹⁾ all persons who are liable to active labor service have been put under the control of a "recruitment-office for foreigners liable to service" ("Bureau de recrutement des étrangers prestataires") which has been instituted in Paris. Thus, according to the French law, in force, there is a compulsory labor service, organized on military lines, for purposes of national defense ²⁾ in addition to the liability for active service in the army.

¹⁾ Legal Gazette of 7 Feb. 1940, p. 1007, art. 1 for stateless.
²⁾ The author of an unsigned article "The Foreigners and National Defense" in the "Gazette du Palais" of 17-18 April 1940 no. 105/109, says about this labor service: "Thus, it is a case of a sort of compulsory service of a purely civilian character, but considered to be equal to military service with regard to national defense."

DOCUMENT BOOK I SCHNEIDER No. 7
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Exhibit No. 5

persons; subject to this are besides the stateless persons (as far as they are not yet drafted for active service in the army) also foreign nationals who enjoy sanctuary in France.

By these provisions the principle of the law regulating the status of aliens according to which foreign nationals are not liable to service for national defense, is considerably restricted, as is generally known, this principle only admits of few exceptions.

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"part from the above-mentioned regulations of the Dutch Law, based on reciprocity the practical importance of which for foreign nationals is but insignificant, one could also refer to the United States law of 18 May 1917, issued during the world war, as far as the liability for military service is concerned, this law enforced military service on all those aliens except enemy nationals, who had expressed their intention to become American citizens, that is to say who had taken
1)
the first formal step for this purpose. -

1) An act to authorize the President to increase temporarily the Military Establishment of the United States (May 18, 1917 Public No. 12), The Statutes at Large, vol. XI Part 1, Ch. 15, §. 76 ff. - Sec. 2" ... Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of twenty-one and thirty years . . . " In this connection, a provision must be mentioned which frequently appears literally in several treaties of amity, commercial-treaties and consular treaties contracted by the United States, namely in the treaties with Germany of 8 December 1923 (Treaty Series No. 725, Reich Legal Gazette 1925 II, p. 795); with Hungary of 24 June 1925 (Treaty Series No. 748), with Salvador of 22 February 1926 (Treaty Series No. 827), with Honduras of 7 Dec. 1927 (Treaty Series No. 764), with Estonia of 23 December 1925 (Treaty Series No. 736), with Latvia of 20 April 1926 (Treaty Series No. 765), with Norway of 5 June 1926 (Treaty Series No. 852) and with Austria of 19 June 1928 (Treaty Series No. 838). All these treaties contain the same identical art. VI: " In the event of war between either high

in treating Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war. As to the treatment of the question of compulsory military service of foreigners in diplomatic correspondence of the United States in the XIX century see John Bassett Moore, - Digest of International Law, Vol. IV, p. 51 ff.

Exhibit
Exhibit No. 5

after a diplomatic step by Article 14, 2) however, the neutral nationals were given the right to avoid military service by a declaration, containing the withdrawal of the intention to become naturalized, which a withdrawal rendered impossible for ever the naturalization of the persons in question. 3)

Page 505.

In addition to the proper military service and the labor service organized on military lines for purposes of national defense, there exists in France the compulsory labor service, established by the law of 11 July 1938, concerning the "general organization of the nation for war-time". 1) In case of danger of war or in war-time, according to the law of 11 July 1938 (art. 14, par. 1), all Frenchmen were to be subjected to this compulsory labor service, who have reached the age of 18 years. Art. 14 par. 3 of the law determined:

"Persons called up will be employed according to their profession and their qualifications, ^{or} in a given case, according to their abilities, starting with the youngest and

1) Legal Gazette of 18 July 1938, p. 3330.

2) See Review of International Private Law 1910, p. 243, ff.

3) In not making appropriations for the support of the Army for the fiscal year ending Jan. 15, 1919 (July 9., 1918) : Public 193: The Statutes at Large, vol. XL, Part 1, Ch 14, p. 845 ff. By Chapter III sect. 4 of this law the above-mentioned art. 2 of the law of 18 July 1917 has been supplemented as follows: Provided, that a citizen or subject of a country neutral in the present war who had declared his intention to become a citizen of the United States shall be relieved from liability to military service upon his making a declaration, in accordance with such regulations as the President may prescribe, withdrawing his intention to become a citizen of the United States, which shall operate and be held to cancel his declaration of intention to become an American citizen and he shall forever be debarred from becoming a citizen of the United States."

taking into account the situation of the family, either isolated or in the administration and public services, or in establishments or services operating in the national interest".

The same decree of 12 April 1939, with force of law, that had established military compulsory labor service for stateless persons and political emigrants, subjected these persons also to the labor service, as provided in the law of 11 July 1938, Art. 2 of the decree of 12 April runs as follows:

"Foreigners without any nationality and the other foreigners enjoying sanctuary, are subject/all obligations imposed on the French nationals by the law of 11 July 1938 relating to the organization of the nation in wartime.

They can be liable to individual or collective recruitment, of a general or local character, based on nationality, age or profession."

A decree of 2 October 1939²⁾ subjected to Polish nationals to this labor service as well as to the provisions concerning special short-term employments (affectations spéciales),³⁾ and a decree of 18 November 1939⁴⁾ provided the same with regard to the Czech-Slovak nationals⁵⁾

2.) Legal Gazette of 3 October 1939, p. 11913-A decree of 4 January 1940 (Legal Gazette of 6 January 1940, p. 190) has extended the application of this decree also to Algeria.

3.) The special assignments (affectations spéciales) are provided in Art. 52 of the recruitment-law of 31 March 1928. First of all, the following persons should be drafted for these employments: "the members of the auxiliary service" and "the members of the active service who belong to the second (special) reserve", and only "in case of absolute necessity" the reservists of the first class. In case of mobilization people with "special assignment" (affectés spéciaux) form part of the army and are under military jurisdiction. A decree of 15 May 1939 (Legal Gazette of 31 May 1939 p. 6529) provided new regulations for the application of article 52 of the military service law.

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It is still questionable, whether the labor service of stateless persons and political emigrants, according to the law of 11 July 1938, may be of any practical importance, in addition to the military compulsory labor service as provided in the decree of 13 January 1940.

IV.

Everything said before concerned the liability to service of foreigners. For the sake of completeness, it must still be mentioned that also the conditions for voluntary military service of foreigners in France have recently been amplified. According to article 64 of the military service law of 31 March 1928 foreigners could be allowed "in wartime" to bind themselves to serve in the French army.

4.) Legal Gazette of 3 December 1939, p. 13634; a decree of 25 January 1940 has extended the application of the decree of 18 November 1938 also to Algeria (Legal Gazette of 29 January 1940, p. 802).

5.) The French Government did not recognize the formation of the Protectorate of Bohemia and Moravia and of the Slovakian State. The preamble of the decree of 18 November, among others refers to the "agreement concluded on 2 October 1938 between the provisional Czech Government and the French Government concerning the reconstruction of the Czech army in France" and the preamble of the decree of 2 October refers to the "agreement concluded on 9 September 1939 between the Polish Government and the French Government concerning the creation of a Polish division in France." The two agreements were not published in the Legal Gazette ("Journal Officiel").

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during the war, 1) The decree of 12 April 1939, the provisions of which concerning the duties of stateless persons and emigrants have already been explained, also provided a new regulation as to the voluntary military service; According to article I of this decree foreigners between the ages of 18 and 40 years may now pledge themselves even in peacetime to serve in the French army during the war. All particulars concerning this voluntary military service of foreigners during the war were then regulated by a decree of 27 May 1939. 2)

The voluntary military service of foreigners is permitted in some other countries, etc. 3)

II. A. A. O. V.

Continued on 1 May 1940.

- 1.) The law of 27 March 1939 has provided a new version of article 24, but it did not alter the paragraph concerning foreigners. Leg. B. Gazette of 23 March 1939, p. 3730.
- 2.) Leg. B. Gazette of 4 June 1939, p. 7285; published in the "New York Review of International Law" 1939, p. 301 ff. - A decree of 1 September 1939 declared that the provisions of the Decree of 27 May shall be applicable also to the colonies. Leg. B. Gazette of 5 September 1939, p. 12123.
- 3.) The British Order of 26 September 1939 ("The Defence Armed Forces Regulations, 1939; Statutory Rules and Orders, 1939, No. 1904") contains the following provision, which enables the foreigners to enter the British army without any restrictions: "During the continuance in force of this Regulation -
a) an alien may hold a commission or may be entered or enlisted in any of His Majesty's forces as if he were a British subject; and
b) there shall be no limit on the number of aliens who may serve together at any time in any corps or unit."

See also the Order of the Govt. Gen. General of the Union of South Africa, of 25 October 1939 (No. 269, 1939: The Union of South Africa, Government Gazette of 30 October 1939 (vol. LXXIII No. 2696) which has supplemented the National Defence Regulations of 14 September 1939 by provisions concerning the voluntary military service of foreigners.

Assessor L. H. Schneider
Research Section for International Law
and Foreign Public Law
of the University of Hamburg

Subject: Soviet attitude to the labor question. 2)

- x) Compare surveys concerning the Legislation of the Soviet Union in the Eastern European Law Journal, particularly the 7th year of publication 1940/41 and 8th year of publication 1941/42.

Abbreviations used: GS - Compilation of decrees of the USSR

ACS - Gazette of the Supreme Soviet of the USSR

VOS - Collection of decrees and regulations of the Council of the USSR People's Commissars.

1) Portraying the International Law:

The official opinion of the Soviet Union with regard to an international settlement of the Labor Question is clearly expressed in the expositions of Professor Kozmin, today still the leading Soviet expert on International Law, in his book "The Modern International Law", which was published in 1926, i.e. two years after the "International Law of the Transition Period", on page 128 which deals with the International Labor Office.

"The USSR does not participate in this organization".

The evaluation of this organization and its social significance in the public opinion of the Soviet Union is quite obvious: an organization, which fosters the illusion of a possible co-operation of the classes (the exploiters and the exploited) and of an evolutionary solution of social problems within the frame of the Capitalist Economy and Society, appears to be the product of an agreement between the Bourgeoisie and the top-people of the Trade-unionist Bureaucracy and seems to be a tool for the blinding of the class-consciousness of the working masses."

- 2 -

This position was big and not changed with the admission of the USSR to the League of Nations on 18 September 1934. It is not known that this controlled the USSR's working - member of the International Labor Office, similarly there was no question of exclusion from the International Labor Office when on 14 December 1939 the USSR was excluded from the League of Nations as an Aggressor Nation. No international agreements for the settlement of the question of labor, in which the Soviet Union participated, would be made during the time of the USSR's membership in the League of Nations.

2.) Partaining to Constitutional Law:

The Federal Constitution of the USSR of 1936 envisaged, at the beginning of the 10th Chapter, which enumerated an extensive catalogue of elementary rights and duties, under Article 118 the right to work, expressed, however, by a much more important duty to work, which as a result of its fundamental character is contained in the 1st Chapter, dealing with the construction of society. This duty to work is set out in Article 12, together with the unmistakable threat "He does not work, shall not eat". Based, on this Article 12 of the Union Constitution, an extensive legislation in the field of rights of labor during the years of 1936 to 1940, has been and was confined the rights of freedom of the individual Soviet Citizen in the field of work, and in conjunction with the ever existent far-reaching confinement in the freedom of movement of the population, has led to a regime of governmentally directed compulsory labor.

This development was already started in the period of socialist reconstruction (1927-1935) by the decrees "Concerning the Employment Order, concerning the Distribution of Workers and concerning the Struggle against the Fluctuation of workers" of 15 December 1930 (Compilation of USSR Decrees No. 60, article 641 of 30 December 1930), and "Regarding measures for settlement of peasant in the case of over-production

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- 5 -

As far as the occupied Baltic territories are concerned the Soviet Labor law was also formally introduced there by an Ordinance of the Presidium of the Supreme Council of the USSR of 6 November 1940 concerning the temporary application of the law books of the Republics of the territories of the Lithuanian, Latvian, and Estonian and the Soviet Republics, after it had previously been applied immediately after the occupation.

The same goes for the occupied Polish and Rumanian territories which were annexed by the USSR in 1939/40.

The USSR in occupying power, according to international law, had no right to substitute the labor law then valid in the occupied territories by the Soviet labor law, and to modify in that way the labor organizations of the occupied territories fundamentally.

Warsaw, 22 June 1947.

(signed): Molotov.

- 5 -

(1947)

This is to certify that the enclosed is a
copy of the report of the 1st Division of the
Department of the Interior, Bureau of Land
Management, dated 10/20/47, and is a copy
of the report of the 1st Division of the
Department of the Interior, Bureau of Land
Management, dated 10/20/47.

Respectfully,
10/20/47

Respectfully,
10/20/47
10/20/47
10/20/47
(10/20/47)

(10/20/47)

Respectfully,
10/20/47

10/20/47

This is to certify that the enclosed is a copy
of the report of the 1st Division of the
Department of the Interior, Bureau of Land
Management, dated 10/20/47.

Respectfully,
10/20/47

- 2 -

VIRGINIA POLICE OFFICE ADVOCATED
(Article 1).

Article 1.

Imposed from the law concerning ^{survival} compulsory /
(in which constitution of law 1939 No. 934).

And ^{survival} ~~Article 1.~~ ^{Article 1.} ~~Article 1.~~ ^{Article 1.}
Issued at Stockholm, Sweden on 30 December 1939.

On, Gustaf, by the grace of God King of Sweden,
of the throne and the lands, hereby provides that in
consultation with parliament he has found it proper
to decree as follows:

Chapter 1

Introductory regulations

Art. 1.

In case of war or danger of war for the country,
or other extraordinary conditions due to war, the King,
if the legislative assembly is not assembled, is
entitled to promulgate that chapters 2-7 of this law
or one or several thereof are to be applied. A decree
of this kind is not to be promulgated, however, unless the
King has arranged for the legislative assembly to be
summoned, or if the legislative assembly is due to meet
within 30 days in any case. If the decree is not
ratified by parliament within 30 days it becomes invalid
at the end of this period.

- 3 -

If during the period in which the legislative assembly meets, it is considered that conditions as defined in Art. 1 ~~exist~~ exist, the King with the approval of the legislative assembly is entitled to enforce the rulings provided in Art. 1.

Article 2.

Decrees according to Articles 9, 12, 13, 15, or 16 may be issued in order to secure sufficient labor for the army, its equipment supplies and its maintenance, for supplies of food or fuel for the population, transportation or other purposes particularly important to the general public. Such a decree may not have military character with the army as its object.

A decree of the kind defined in Art. 1 may concern certain branches of economy or industry in their entirety or with certain exceptions or also to certain specified labor requirements.

Chapter 3.

Compulsory direction of labor and priority regulations.

Art. 9.

The King is entitled to rule that a certain demand for labor is to be met and secured in priority or other demands (priority ruling). A corresponding decree may be issued unconditionally or with certain reservations.

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- 4 -

Chapter 4

Compulsory removal.

Art. 12.

To the extent determined by the King it is the employees' duty not to leave their place of work without special permission or to desert (compulsory removal).

This rule may not be applied to persons who have completed their 70th year by the beginning of the calendar year.

Chapter 5.

Compulsory Service for Juveniles.

Chapter 7

General compulsory service.

Art. 16.

To the extent determined by the King it is the duty of every person from completion of his 16th year to the completion of the calendar year in which he reaches the age of seventy, to accept and execute work as assigned by governmental authorities, his physical strength and state of health permitting. (General compulsory service).

This ruling may be restricted to certain groups of persons with an indication of their age, sex, maintenance responsibility, place of residence, professional knowledge or other circumstances.

- 5 -

In case of special reasons the provincial
labor office may grant exemption from the compulsory
service in question until further notice.

Chapter 8.

Certain regulations applying to several kinds of
compulsory service.

Art. 17.

Compulsory service, with the reservations for
various cases as defined above, may be applied to
any person who has his domicile or permanent
residence in the country, unless the King rules
differently for members of an individual state or
for stateless persons.

Excerpt
from

Reich Law Gazette (Reichsgesetzblatt) 1938 I, page 2300

Decree For Introducing the Emergency Service Decree
(Notdienstverordnung) in the Protectorate of Bohemia
and Moravia, of 25 November 1938.

In virtue of the decree of the Reich and Reich Chamber
for regarding the Protectorate of Bohemia and Moravia of
16 March 1939 (Reichsgesetzblatt I, page 485) the follow-
ing is ordained:

1

Regulations of the Emergency Service Decree. In the
Protectorate of Bohemia and Moravia the 3rd Decree for
the safeguarding of Main-power Requirements for purposes
of special political importance to the state is to be
applied. (Emergency Service Decree) of 15 October 1938
(Reich Law Gazette I, page 1441) insofar as nothing else
is specified later on, or is specified according to article
5, paragraph 2 of this decree

SOLIGN ACHT STUNT
BETWEEN THE FUEHRER AND DR. HACHA.

Berlin, 15 March.

The Czech President Dr. Hacha, accompanied by the Czech Minister for Foreign Affairs Chvalkovsky, arrived at the New Chancellery at 12:10 for a conference with the Fuehrer. The President reviewed a company of the SS-Leibstandarte, lined up in the Honor-Court, while the band played the March of Honor. The Fuehrer received President Dr. Hacha in his study. Generalfeldmarschall Goerring, who, at the Fuehrer's request had interrupted his leave in Italy and arrived in Berlin at about 18:00 o'clock, as well as the Reich Minister for Foreign Affairs von Ribbentrop were present during the discussion as German Representatives.

The President and Foreign Minister Chvalkovsky, after a discussion of 45 minutes, retired for consultation as well as for individual discussions with Minister President Generalfeldmarschall Goerring and Reich Minister von Ribbentrop. At 3:55, after the discussions had been resumed in the Fuehrer's office, the following agreement was signed:

THE FUEHRER AND REICH CHANCELLOR HAS RECEIVED TODAY IN BERLIN THE PRESIDENT OF CZECHOSLOVAKIA DR. HACHA AND THE CZECHOSLOVAKIAN MINISTER FOR FOREIGN AFFAIRS DR. CHVALKOVSKY AT THEIR REQUEST IN

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Exhibit No.

THE PRESIDENT OF THE MINISTERS FOR FOREIGN AFFAIRS VON
RIBBENTROP. DURING THE CONSIDERATION THE STRONG SITUATION CREATED
BY THE EVENTS OF THE PAST WEEKS IN THE UP TO NOW CZECH-SLOVAKIAN
STATE TERRITORY HAS BEEN EXAMINED FULLY AND FAIRLY. BOTH SIDES HAVE
EXPRESSED THEIR CONVICTION IN FULL AGREEMENT THAT THE GOAL OF ALL
EFFORTS MUST BE TO SECURE ORDER, PEACE AND TRANQUILITY IN THIS
PART OF CENTRAL-EUROPE.

THE PRESIDENT OF CZECH-SLOVAKIA DECLARED THAT, IN ORDER TO REALIZE
THIS GOAL AND TO ESTABLISH IDEAL PEACEFUL CONDITIONS, HE WOULD
PUT THE FATE OF THE CZECH PEOPLE AND THE COUNTRY INTO THE HANDS OF
THE FUTURE OF THE CZECH NATION IN FULL CONFIDENCE. THE PRESIDENT
HAS ACCEPTED THE DECLARATION AND HAS EXPRESSED HIS RESOLUTION
THAT HE WILL TAKE THE CZECH PEOPLE UNDER THE PROTECTION OF THE
GERMAN PEOPLE AND WILL GUARANTEE THE AUTONOMOUS DEVELOPMENT OF
ITS NATION. LIVES IN ACCORDANCE WITH ITS NATURE.

Berlin, 15 March 1939

signed: Adolf Hitler

" von Ribbentrop

" Dr. Goebbels

" Dr. Chvalikovsky.

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THE FUHRER'S ADDRESS TO THE GERMAN PEOPLE.

Berlin, 15 March

The following proclamation is issued by the Fuhrer:

To the German People!

Only a few months ago Germany was compelled to protect her nationals, living in closed settlement districts, against the unbearable terror regime of the Czecho-Slovakia, and now, the same manifestations have occurred in increasing proportion during the past weeks. This is bound to lead to unbearable conditions in a territory where so many different nationalities live together.

In reacting these renewed attacks against liberty and life, the national groups have now broken away from Prague. Czecho-Slovakia has thereby ceased to exist.

Violent outrages have occurred in many places since Sunday, of which numerous Germans were again the victims. Calls for help on the part of the victims and persecuted are increasing by the hour. A stream of refugees, -people who have been deprived of all their belongings- is again flowing into the Reich from the densely populated German national districts which last fall were left under the authority of Czecho-Slovakia by Germany's generosity.

A continuation of these conditions must lead to the complete collapse of order in a territory in which Germany is vitally interested and which for over 1000 years belonged to the German Reich.

In order to eliminate this menace to peace once and for all and to create a basis for the necessary reorganization in this space, I have decided today to give orders to the German troops to march into Bohemia and Moravia.

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They will disarm the terror gang and the Czech troops protecting them, they will protect the lives of all who are menaced and thereby secure the establishment of a fundamental system which will do justice to the meaning of a thousand year's history and to the practical needs of the German and Czech people.

Berlin, 15 March 1939.

Signature: Adolf Hitler

Reich Law Gazette 1939 I, page 485

Decree of the Fuehrer and Reich Chancellor concerning the
Protectorate of Bohemia and Moravia, dated 16 March 1939.

The provinces of Bohemia and Moravia have for a thousand years belonged to the living space of the German people. Violence and stupidity affected their arbitrary segregation from their historical structure and, through incorporation into the artificial structure of the Czecho-Slovakian State, a center of permanent unrest was created. From year to year the danger increased that from this territory - as it has happened once before in the past - a new and enormous menace to the peace of Europe would ensue, for the Czecho-Slovakian State and its rulers had not succeeded in properly organizing the harmonious ^{living} of the nation^{al} groups which had been arbitrarily united into its state-structure, and therewith had not succeeded to awaken and retain the interest of all concerned. Therewith, however, it has proved its intrinsic incapacity of existence and therefore has now fallen into disruption.

The Reich cannot tolerate continuous disturbances in these territories which of such decisive importance to its own peace and security as well as for the well-being and peace in general. The Reich, as the most interested power in view of its historical and geographical situation, would sooner or later have to suffer the gravest consequences. The Reich therefore, as a matter of self-preservation, is determined to interfere, for the purpose of restoring the fundamental requirements for a sensible Central-European order and to undertake the measures arising therefrom. For it has already proved in its 1000 years of history that, owing to the greatness as well as the nature of the German people,

the Reich only is qualified to solve this problem. Inspired by the sincere desire to serve the true interests of all nations living in this area, to secure the national life of ^{the} German and Czech people, to further the peace and the social welfare of all, I therefore decree, in the name of the German Reich as a basis for the future harmonious ^{life} of the inhabitants of these territories, the following:

Article 1

- 1) The parts of the former Czechoslovakian Republic occupied by German troops in March 1939 are now incorporated into the territory of the Greater German Reich and, designated as "Protectorate of Bohemia and Moravia", are under its protection.
- 2) In as far as it is required by the defense of the Reich, the Fuehrer and Reich Chancellor decrees a divergent ruling for individual parts of this territory.

Article 2

- 1) The racial Germans living in the Protectorate will become German nationals and, according to the provisions of the Reich Citizenship Law, dated 15 September 1935 (Reich Law Gazette I, page 1146) will become Reich Citizens. Therefore the provisions of the law for the protection of German blood and honor apply to them as well. They are subject to German Law.
- 2) The rest of the inhabitants of Bohemia and Moravia will become nationals of the Protectorate of Bohemia and Moravia.

Article 3

- 1) The Protectorate of Bohemia and Moravia is autonomous and has its own administration.
- 2) It exercises its sovereign rights, assigned to it within the framework of the Protectorate, in coordination with the political, military and economic interests of the Reich.

- 3 -

- 3) These sovereign rights are exercised by its own agencies and own authorities with their own personnel.

Article 4

The Supreme Head of the autonomous administration of the Protectorate of Bohemia and Moravia enjoys the protection and honor privileges of the head of the State. The head of the Protectorate requires the confidence of the Fuehrer and Reich Chancellor for the exercise of his duties.

Article 5

- 1) The Fuehrer and Reich Chancellor appoints, as a guardian of the Reich interests, the "Reich Protector in Bohemia and Moravia". The seat of his office will be Prague.
- 2) The task of the Reich Protector, as representative of the Fuehrer and Reich Chancellor and as Commissioner of the Reich Government, is to see that the political rules given by the Fuehrer and Reich Chancellor are observed.
- 3) The Cabinet members of the Protectorate will be approved by the Reich Protector. The approval can be withdrawn.
- 4) The Reich Protector is authorized to obtain information with regard to all measures taken by the Government of the Protectorate and may also act in an advisory capacity. He can protest against measures which are apt to be harmful to the Reich and, in case of emergency, he can take measures essential for the common interests.
- 5) The promulgation of laws, decrees and other legal regulations, as well as the execution of administrative measures ^{and} final sentences

- 3 -

pronounced by the Courts are to be suspended if the Reich Protector submits his objection.

Article 6

1) The Reich takes care of the Protectorate's foreign affairs, especially the protection of its nationals abroad. The Reich will administer the foreign affairs in such a manner as required by the common interests.

- 4 -

2) An official will be appointed acting as representative of the Protectorate to the Reich Government with the official designation "ambassador."

Article 7

- 1) The Reich provides the military protection for the Protectorate.
- 2) For the purpose of carrying out this protection the Reich will maintain garrisons and military installations in the territory of the Protectorate.
- 3) For the purpose of maintaining the interior security and order, the Protectorate may organize its own units. Organizations, strength and armament will be determined by the Reich Government.

Article 8

Direct supervision of communications as well as the postal- and telegraph system will be executed by the Reich.

Article 9

The Protectorate is part of the customs-district of the Reich and is under its customs sovereignty.

Article 10

- 1) Until further notice the Crown is the legal currency besides the Reichsmark.
- 2) The rate of exchange of both currencies is determined by the Reich Government.

Article 11

- 1) The Reich may decree legal provisions effective for the Protectorate in as far as it is required by the common interest.
- 2) If a common need exists the Reich may take over administrative branches into its own administration and establish Reich Offices therefore.

Gurkart
Exhibit No. 13

- 5 -

3) The Reich Government may take measures which are necessary
for the maintenance of security and order.

Article 12

The legislation at present in force in Bohemia and Moravia, remains
in effect in as far as it is not contradictory to the assumption of
protection by the Reich.

Article 13

The Reich Minister of the Interior in agreement with the Reich
Ministers concerned may enact the legal- and administrative provisions
necessary for the execution and supplement of this decree.

Prague, 16 March 1939

The Fuehrer and Reich Chancellor
Adolf Hitler
The Reich Minister of the Interior
Frick
The Reichminister for Foreign Affairs
v. Ribbentrop
The Reich Minister and Chief of the
Reich Chancellery
Dr. Lammers

Excerpt
from
Reichsgesetzblatt 1939 I, page 704
300-1 (Reich Law Gazette)
Decree regarding legal regulations of the Reich
for the Protectorate of Bohemia and Moravia
of 3 April 1939

In accordance with article 13 of the decree by the
Fuehrer and Reich Chancellor regarding the Protectorate of
Bohemia and Moravia of 16 March 1939 (Reich Law Gazette I,
page 485) the following orders are issued for the execution
of article 11, paragraph 1:

1

Legal regulations for the Reich only apply to the Protec-
torate of Bohemia and Moravia when this follows from the con-
tents or is expressly set forth.

2

- 1) The range of applicability of the official publications of
the Reich is extended to the Protectorate.
- 2) The order gazette for Bohemia and Moravia is also an offi-
cial gazette of announcements of the Reich.
- 3) Legal regulations of the Reich that apply to the Protec-
torate and are announced in the official gazettes of announce-
ments of the Reich, come into effect in the Protectorate the
day after the date announced in the official gazettes, unless
otherwise specified.

3

This order takes effect on 16 March 1939.

Berlin, 3 April 1939

The Reich Minister of the
Interior
for
J. GUTER

- 2 -

Legal Decision by Highest Judges 1941. Decision by the
Supreme Court of the Reich 30 March 1940.

Page 533 51:

".... It is out of the question to refer back to the
agreement of extradition between the German Reich and the
former Czechoslovak Republic. There the reciprocal extra-
dition of foreigners to a foreign country is regulated.
This supposition is here missing. The Protectorate forms
part of the territory of the Greater German Reich and exer-
cises its sovereign rights to which it is entitled within
the framework of the Protectorate, in accord with the poli-
tical, military and economic interests of the Reich (Compare
the decree absolute of the Supreme Court of the Reich of
30 March 1940 IV 511/39, and judgment by the German
District Court of Appeal, Prague of 26 January 1940,
Deutsche Justiz 1940, page 520 and 553 54).

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Excerpt from
Deutsche Rechte - Zeitschrift

Edited by Professor Dr. Carl S. Bader, Freiburg i. Br.
Publisher: J.C.B. Mohr (Paul Siebeck) Tübingen
2nd year, 3rd Number, March 1947

Germany and the Constitution of the U. S.
in the light of International Law
by Dr. Adolf Julius Bäumel, Professor at the University of Tübingen.

Page 73

... None of these single German states may be judged as "enemies" of the signatory powers - any more than Austria or Czechoslovakia were.

In these two cases the independence and at the same time the legal status in international law are terminated by an act on the part of the NS-Reich, which was contrary to international law, and not by conquest in war, but - to have been made clear to the public at large at any rate by the outcome of the Nuremberg court proceedings - by occupation and annexation forthwith of the countries. In the one case the form of "Protectorates" was only a nominal camouflage of the purely provincial status of the former sovereign state, in the other case the status of being a Land of the German Reich was only temporarily maintained, and in 1940 the former Land, the so-called Ostmark, was divided into seven Reich-Gaue, immediately ^{subject} to the jurisdiction of the Reich, and simultaneously all the assets of the Land were transferred to the Reich. With the character-

- 2 -

re this tendency of international law towards effectiveness it is not only required but sufficient for annulment of the sovereign status that the new ruling power has annexation in mind and actually establishes its supreme power in the formerly independent state. From the legal point of view the situation is not altered by the fact that the first government in power before the annexation, was in exile during the period of annexation as was the case with Czechoslovakia, or was partly in exile and partly in the territory, as was the case with Austria. Neither case is a deposed monarch, as for instance Napoleon on St. Helena, or a pretender to the throne secure a continuation of the former subject of international law, if the territory and the people of the state in question are according to the law and also de facto under the rule of another state, and if the eventual government of the annexed state in the new form has been set up by the new ruling power; and finally the actual demeanor and the lawful attitude of the population of the annexed former state is of no importance juridically; it makes no great difference whether the incorporated territory is used by the new ruling power merely as an armaments workshop or as a recruiting source. In the Austro-Prussian wars the province of Silesia did not become an "enemy" of her former ruling power, because Frederick the Great raised troops in the conquered and subsequently annexed territory. All evidence thus point to the fact that the Austrian Republic and the Czechoslovakian Republic did not exist as subjects of international law as from March 1938 and March 1939 respectively, at least up to the time of the capitulation of the Wehrmacht in 1945, so that they could not play the role of that time of parties waging war or of "enemies" in the sense of paragraph 107 of the United Nations Constitution.

The Reich Minister of Labor
Va 5760.14/305 II. Ang.

Berlin SW 11, 20 April 1942
Saarlandstrasse 96

Confidential

To:

The Director of the Party Chancellery;

The Minister - President, Reichsmarschall Goering, Plenipotentiary
for the Four-Year-Plan;

The Foreign Office;

The Reich Minister of the Interior;

The Reichsfuehrer - SS and Chief of the German Police for the
Interior;

The Reich Minister for Public Enlightenment and Propaganda;

The Reich Minister of Finance;

The Reich Minister of Economics;

The Reich Minister of Economics, Foreign Exchange Department;

The Reichsfuehrer - SS, Reichskommissar for Strengthening of Germanism,

Berlin - -elensee

The Foreign Organization of the VSAAP,

Berlin - -ilmersdorf

The Repatriation Center for Ethnic Germans,

Berlin W. 35

The German Labor Front, Office for Labor Allocation,

Berlin W. 35

The Reich Trustees of Labor;

The Presidents of the Land Labor Offices
-including the Branch Office at Fuerberg-

with 2 copies each of the enclosure for the labor offices.

Subject: Utilization of Italian industrial manpower in Germany
in 1942.

Reference: By letter of 20 March 1941 - VA 5760.14/290 II. Ang.

Between 26 January and 9 March 1942, negotiations were conducted in Rome between German and Italian representatives relative to the utilization of Italian industrial workers in Germany in 1942.

The outcomes of these negotiations is shown in the accompanying deposition. The agreements laid down therein were put into effect through the German and Italian government committees.

The Italian government has consented to the recruitment in Germany in 1942 of:

36,000 miners,

30,000 workers in other occupations, who are qualified for work in the metal industry,

8,000 workers for utilization in firms,

5,000 workers from various occupations,

600 workers for utilization in home production.

Postscript for the Reich Trustees of Labor and the Presidents of the Land Labor Offices:

If any explanations relating to the individual articles of the memorandum are required, they will be given in a special circular letter.

For:
Signature.

The President
of the Noramark Land Labor Office.

Hamburg, 29 April 1942

G.S. 5760.14

Confidential

Circular Decree No. 231/42

To:

The Directors of the Labor Offices
within the jurisdiction of the Noramark Land Labor Office

- 3 -

I am herewith forwarding for your information the above circular decree with 1 copy of the memorandum relative to the utilization of Italian industrial workers.

1 enclosure.

For:

Dr. -schtigall

(stamp)

Verified:

signed: signature

Enclosure on VA 5760.14/305 II. ANG.

CONFIDENTIAL

Memorandum

relative to the Utilization of Italian
Industrial Workers.

The undersigned representatives of the German and Italian governments have agreed upon the following:

Article 1

Utilization of Labor.

The German and Italian sides declare that they have been informed of the agreements made between the German and the Italian government committees relative to the recruitment of Italian industrial workers.

The utilization of the industrial workers will be governed by the existing agreements and also by the supplementary provisions of the following articles.

Article 2

Clothing.

At the request of the Italian side, the German side declares the following: the workers in Germany cannot be given clothing orders.
Requisitions

- 4 -

for repairs can however be accepted, and any worn-out items for clothing or shoes of the workers will be replaced whenever possible.

All required work clothes, warm overcoats, underwear, and working shoes will be furnished by the Germans ^{to the} workers to be allocated to German mines.

Article 3

Length of employment for Building workers.

At the suggestion of the German side, the Italian side states its agreement that the length of employment of the construction workers to be recruited under the provisions of this memorandum, will be limited to a period to begin about 15 February and to continue until about 10 December. At the conclusion of employment, the workers will return home according to the provisions of a return transportation program to be set up in due time by the competent authorities.

At the conclusion of his employment, the worker will be paid the costs of his return transportation to which he is entitled under the applicable regulations, and also the leave money which he is to receive according to section 16, enclosure 3 of the memorandum of 10 June 1940. In addition, any worker who may have established a claim to a visit to his family during time period as specified above, will receive payment for the cost of the journey; payment for such a family visit will be disbursed through the plant manager.

In case the utilization of the Italian building workers is required beyond the anticipated time period, for the completion of war essential building projects, and if the workers are willing to continue to work in Germany, the labor contracts may be extended by agreement between the plant manager and the worker with the approval

- 5 -

of the competent Italian welfare officer.

Article 4

Utilization in Theaters of Operation.

The workers may be utilized in theaters of operation only with the previous consent of the competent Italian offices, and under the special terms to be laid down jointly for such utilization by the Reich Labor Ministry and the Italian authorities.

Article 5

Employment of Skilled workers in Occupations Other than their Own

With reference to the minutes of 6 August 1941, Article 2, the German side agrees that any instances of employment of Italian workers in work outside the scope of their occupational training, shall be reported to the competent Italian welfare officer by the competent local labor office.

Article 6

The Transferral of workers

A new labor contract is to be drawn up for any transfer of workers to another plant. Such a contract must conform to the conditions of the German-Italian agreements, and may not contain any provisions less favorable for the worker than those which were contained in the previous contract.

Article 7

Renewal of Labor Contracts.

According to the memorandum of 10 February 1941, section II A 1 c, paragraph 1, the German and Italian sides agree that, for the duration of the war, labor contracts may be extended even beyond 15 months. Renewals of

- 6 -

contracts which have already expired or are still in force, may be further prolonged by 6 months subject to agreement between the worker and the plant manager and to the approval of the competent Italian welfare officer. If a contract is not renewed, a worker is entitled to return transportation within 15 days following the expiration of the contract unless conditions of war-time transportation do not permit it.

Article 8

Work Output

If the workers permanently lags behind the normal output, and if his pay consequently reduced with the approval of the Reich Trustee of Labor, he can terminate his labor contract by giving the customary notice. In such a case the worker will return to Italy.

The return of a worker will be governed by provisions laid down in article IX, paragraph 3, of enclosure 2 of the German-Italian agreement of 10 June 1940.

The worker will not enjoy the right to terminate his contract if it is established that he has shirked work malevolently, and has not attained the normal work output for this reason. In such cases the German side undertakes to arrange for close co-operation between the German and Italian offices.

Article 9

Separation Allowance

The separation allowance of M. 1,50, provided for in section 13 of enclosure 3 of the memorandum of 10 June 1940 in conjunction with article 3 of the memorandum, will be paid to Italian building workers coming from provincial capitals.

- 7 -

Article 10

Contractual Provisions relative to Pay Increase.

The German side declares that it will provide unequivocal regulations in the labor contracts relative to the grant of pay increases and piecework.

Article 11

Wage Payments and Deductions.

The delegates of the German Labor Front and the competent Italian offices will agree upon the procedure to be recommended to the plant managers, in order that the Italian workers may be given statements of their wages and deductions.

Article 12

Holidays.

The following provision is substituted for paragraph 2 in the memorandum of 10 June 1940, article 2, figure 3:

"Ordinarily the Italian workers are not obliged to work on the church holidays as listed above. If the plant manager gives the order to work on these holidays, for operational reasons, and if the celebration of these holidays is not postponed to a following Sunday by the catholic church authorities, then Sunday wages are to be paid. Any work done on the day of the founding of Rome and on the day of the March on Rome will be compensated by Sunday wages.

The Italian worker will not be obliged to work on either Peter and Paul (29 June) or the Immaculate Conception (8 December)."

Article 13

Leave Rules

- 8 -

The German side requests the Italian side to induce the workers who travel to Italy on leave to return to their place of work on schedule, unless there is justifiable cause for their delayed return.

The Italian side gives assurances that this request will be satisfied.

Article 14

Medical assistance.

The Italian side requests a review of the procedure governing medical aid to workers returning home; it considers this question to be an important one and emphasizes the urgency of a fair solution, especially in connection with recruitment now in process.

The German side acknowledges this request and states that it will be given full consideration, and that it will be discussed in Berlin as soon as possible.

Article 15

Administrative Expenses and Clothing Contributions

Out of consideration for the increased expenditure for administration, the Italian side states that an increase in the contribution for administrative expenses (RM 8,00, RM 2,50) and in the contribution for clothing (RM 30,00) is necessary; it reserves the right to submit the required documents in Berlin at a conference in the near future, so that the matter may be reviewed and settled.

The German side acknowledges the request and states that it is prepared to treat the matter accordingly in Berlin.

Article 16

Instructions for Building Workers.

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The Italian side has worked out an instruction sheet to be used in lieu of enclosure 3 of the memorandum of 10 June 1940; this instruction sheet is supposed to contain all amendments and supplementary provisions affecting the present memorandum. The final text will be agreed upon by the Reich Labor Ministry and the competent Italian offices.

Article 17

Statistics.

The Italian side requests that the plant managers be again reminded of their obligation to carry out without delay the remittance of wage savings for the workers whom they employ. It also considers it to be of paramount importance to inform the Italian side each month of the number of workers employed in Germany. It is therefore requested that this matter be given due consideration.

The German side gives assurance that this request will be satisfied.

Executed in Rome, on 2 March 1942, in two original forms, one each of the German and Italian languages.

signed: Hetzell

signed: Signature

Document RF - 56
French Official Gazette.
Journal Officiel

No. 220

13 September 1942

Page 3122

E x c e r p t

Law No. 869 of 4 September 1942 regarding the allocation and orientation of labor.

We, Marshal of France, Chief of the French State, after having heard the Ministerial Council, give the following orders:

Article 1

To facilitate the accomplishment of all work the Government deems expedient for the greater welfare of the nation, the following regulations become effective with the publication of this decree, and shall remain in force until such a date as will be fixed later by a decree of the Ministerial Council.

SECTION I

Organization of Labor Allocation.

Article 2.

Of Frenchmen and French citizens residing in France, whose physical fitness has been determined by medical examination, all male persons between 18 and 50 years, and all unmarried females over 21 and under 35 can be drafted for all kinds of work that the government deems expedient for the greater benefit of the nation.

- 2 -

Article 3:

For the implementation of the above article every plant manager is obliged to follow the instructions he will receive from the competent State Secretaries, especially in regard to the formation of workers' crews.

Article 4:

Separate decrees, to be issued in accordance with proposals by the State Secretary for Labor Allocation and the State Secretaries competent for economics, will contain the directives for the implementation of articles 2 and 3.

SECTION II

Engagements and Discharges.

Article 5:

In order to ensure the stability of crews working for industrial and commercial concerns, these enterprises are not permitted to discharge personnel and cancel labor contracts without first obtaining the consent of the offices for labor control.

On the other hand labor can only be hired in the afore-mentioned enterprises through the agency of the offices for labor control.

Article 6:

Decrees by the State Secretary for Labor Allocation and the State Secretaries for economics will determine

- c) Those branches of industry or commerce, and those trades - either for the entire territory of France, or for a certain district or locality - which come under the regulations provided in each of the afore-mentioned articles.

- 3 -

- b) The conditions of work for the crew and the obligations of the works managers resulting from the provisions of the afore-mentioned article.

Article 7:

The inspectors supervising the allocation of labor, together with the officers of the Criminal Police are empowered to ensure the implementation of the provisions contained in articles 5 & 6 of this law, and of any additional decrees in connection therewith.

SECTION III

O b l i g a t i o n t o w o r k.

Article 8:

All Frenchmen, or all male French Nationals residing in France, between the ages of 18 and 50, whose physical fitness has been established by medical examination, must be able to furnish proof of having an occupation conducive to the country's welfare.

Article 9:

All persons mentioned in the preceding article, who cannot furnish this proof; can be drafted for work determined by the offices of the State Secretary for Labor Allocation.

Article 10:

Further decrees, issued in accordance with proposals by the Secretary of State for Labor Allocation

- 4 -

and the collaborating Secretaries of State, will provide
the stipulations for giving effect to articles 8 & 9.

- - - - -

Drawn up in Vichy, 4 September 1942.

Ph. Petain

In the name of the Marshal of France, Chief of the
French State:
of
The Chief/Government, Minister-Under Secretary for
foreign affairs and for the Interior:

	Pierre Laval
The Minister of State	Lucien Romier
Keeper of the Grand Seal, Minister of Justice:	Joseph Barthelémy
The Ministerial Secretary of State for Finance:	Pierre Gethals
The Ministerial Secretary of State for Agriculture and Food Supply:	Jacques Le-Roy Ladurie
The Ministerial Secretary of State for National Education:	Abel Bonnard
The Secretary of State of War	Genor l Bridoux
The Secretary of State for the Navy:	Admiral Auphan
The Secretary of State of State for Aviation:	General Lannokoyr
The Secretary of State of State for Industrial Production:	Jean Bicholonno
The Secretary of State of State for Labor Allocation:	Jacques Lagardelle
The Secretary of State of State for Transport:	Robert Gibrat
The Secretary of State of State for Agriculture and Food Supply:	Max Bonafous
The Secretary of State of State for Colonies:	Julien Brevic
The Secretary of State for Health:	Raymond Grasset
The Secretary of State for Infor- mation:	Paul Marion

Excerpts from the Official Transcript of
Proceedings
of MILITARY COMMISSION No. IV, Case V
FALL 1945, GERMANY, 20 August 1947
(Examination of the witness Schleier)

Page 5734 - 5738

.....

Q.: Herr Schleier, I am interested in the legal basis for this conscription of French workers. There is a French law of the 15th of December, 1942.

A.: It is in my document book 1, on page 100 under number 645. I have just given the incorrect date. It's the 4th of September 1942, the allotment of labor. It begins with the words, "We, Marshal of France, Chief of the French State, after having heard the Ministerial Council, give the following orders." Then comes the basic article I which I want to submit to you: "To facilitate the accomplishment of all work the Government deems expedient for the greater welfare of the nation, the following regulations become effective with the publication of this decree and shall remain in force until such a date as will be set later by a decree of the Ministerial Council."

- 2 -

Q.: Then Articles 8 and 9 are important, which deal with obligation to work. I read: "All Frenchmen or all male French nationals residing in France, between the ages of 18 and 50, whose physical fitness has been ascertained by medical examination, must be able to furnish proof of having an occupation conducive to the country's welfare."

Article 9: "All persons mentioned in the preceding article who cannot furnish this proof can be drafted for work determined by the officials of the Under Secretary for Labor Allocation."

This law is signed by Marshal Poincaré, Premier Laval, and a dozen ministers or secretaries of the French Government. Is this the basis for the conscription of labor for this conscription service in Germany?

A.: No. This law was promulgated at the time in order to combat the gradually appearing scarcity of labor and in order to recruit all available labor in France. This law was not provided for in order to undertake conscription to Germany. This merely was to provide for the mobilization of labor and to see to it that the labor which was taken away was replaced by workers in France who had not been productive up to this time.

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Q.: Was this law also valid for the occupied territories of France?

A.: Such laws were valid for both territories; that is, for the occupied as well as for the unoccupied territories.

Q.: The military commander was committed?

A.: Yes, he was.

Q.: There was yet another law of 16 February 1943, which is printed on page 104 in my book, and it's not a law - - it's an ordinance - - and in this ordinance age groups are called up. There are the age groups between the 31st of December 1922; and the 31st December 1920; that is, the age group born between these dates. Is this the basis for conscription for Germany?

A.: To my recollection this law was passed as a result of proposals made by various agencies, especially from the side of labor, in order to make available labor, first of all, and especially to make available labor for Germany taken from these age groups.

Q.: It is clear that this is the legal basis for

- 4 -

conscription to Germany?

A.: The legal basis for conscription to Germany was created by this law, but to my recollection this law was originally made not only for the conscription of workers to Germany.

Q.: I believe this was not quite correctly translated just now. The witness had said it was not created exclusively for labor conscription to Germany. This basis, in order to clarify it once more, was created by the Vichy Government as a result of negotiations between Laval and Spackel and also as a result of requests which were made by French circles, especially by labor and trade unions; is that correct?

A.: It is correct the other way around. Originally, the demands were made by French workers and trade union officials and also politicians, and as I have already said before, from Minister Richelonne, that is to call up labor in age groups and further, to use the experienced workers which during the war had been exempted from military service.

Q.: I think the matter is clear. You said the first initiative was with the French Government?

A.: No, not with the French Government.

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- 5 -

The suggestions were made outside of the French government by circles other than the French government, and from the line of a French Minister.

Q.: And the second initiative came from German sides?

A.: Whether that was an initiative -- I don't know who first mentioned the suggestions for calling up labor in war groups. I believe even there it was Minister Bichelonne, because the idea of calling up French war groups was a French idea. Then, as the technical discussions went on, in addition to the basic negotiations between Leval and Stroemel, this law was worked out by the French government was submitted to the military commander for his approval and his opinion, and was then decreed by the chief of state and the ministers. . . .

Certified true copy of the above document.

Kuornberg, 31 January 1948

(Signed): Dr. Helmut Dix
Defense Counsel

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Document No. RF 61

French Official Gazette.

(Journal Officiel) 17 February 1943

No. 41

Page 462

LE CHIEF DE

Chief of Government.

Ordinance No. 432 of 16 February 1943 regarding
the application of the law No. 135 of 16 February 1943,
which establishes compulsory labor service.

The Chief of Government, Ministerial Secretary of
State of the Interior,

by virtue of the constitutional act No. 12;

by virtue of the law of 12 September 1942
directing the use and guidance of workers;

by virtue of the law of 16 February 1943,
establishing the compulsory labor service;
(and after consulting the Council of
Ministers,) decrees the following:

Article 1. All Frenchmen and foreign male citizens
residing in France and belonging to one of the three
following categories:

- a.) men born between 1 January 1920 and 31 Decem-
ber 1920
- b.) men born between 1 January 1921 and 31 Decem-
ber 1921
- c.) men born between 1 January 1922 and 31 Decem-
ber 1922

are obligated to serve two years in the labor service
and may be called for induction on the day of publica-
tion of this ordinance.

Time spent in youth camps or military service
will however be deducted.

DOCUMENT BOOK 5 BUREAU No. 14
RELEVÉ No.
RELEVÉ BUREAU No. 19

- 2 -

Article 2. Prefects, with the aid of postons will call the men falling in the above mentioned categories for a census, to take place between the day of publication of the present ordinance and the 26th of February 1943, at a designated place, day and hour.

They will order them to appear individually between the day of publication of this ordinance and 5 March 1943 for medical examination.

Issued in Vichy, 18 February 1943

Pierre Laval

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- 105 -

2) The Plenipotentiary General
for Mobilization of Labor

Weimar, 18 October 1943
Current No. 1574/43 23:00 hours

Friedrich Bruckel

to

The Fuehrer,
Fuehrer Headquarters.

My Fuehrer, (x)

Herewith I beg to report back from my official
journey to France; the negotiations conducted with the
French Minister President Laval progressed far more
favorably this time than last time. New late agreement
was reached with respect to the three points under
discussion:

(1) to secure manpower for the industries relocation
program as agreed upon between Reich Minister
Speer and the French Minister Michelonne;

(2) constant maintenance of the number of French
workers who are now in Germany and to their replacement
in cases of breaches of contract or expirations
of contracts and

(3) preparation of a labor mobilization program for
new French workers for the year of 1944.

Your faithful and obedient servant

(Signed): Fritz Bruckel (x)

Presented on: putting, glts war (x)
Accepted:

Accepted: Heinrich Himmler Bln. 23 December

Accepted: (illegible)

bt quit I have already

Accepted: (illegible)

- ohn -

Accepted: ohn/ ohn bt quit

Accepted: 23:10 hours, Fuehrer, Munich (x)

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- 1 -

Document RF - 69

Excerpt

Law of 1 Feb 1944

For enlarging the range of applicability of the Law of 4 Sep 1942, regarding the use and recruiting of workers. (J.O.2 Feb. Page 353).

The Chief of Government -- According to the Constitutional Acts No.12 and 12 bis - the existing Council of Ministers, decrees:

Article 1. The directives of the Law of 4 Sep 1942 - which was changed by the Law of 26 Aug 1943, regarding the use and recruiting of workers, and which was issued in order to facilitate the execution of work regarded by the government as useful in a higher interest of the nation, - are replaced or supplemented by the following directives, they are to remain in effect until a date later to be designated by a decree of the Council of Ministers.

Article 2. Article 2 of the Law of 4 Sep 1942 is declared void and replaced by the following directives:

"All Frenchmen or Frenchmen under French jurisdiction, residing in France and whose physical fitness has been medically attested, can be required to carry out all work, regarded by the government as useful for the higher interest of the nation.

This obligation concerns:

- a) all males, having reached at least the age of 16 or at most of sixty in the current quarter. The respective directives will designate a working place located in France, if the applicant is less than 18 years of age.

- 2 -

b) All persons of male sex, having reached the minimum age of 18 or the maximum age of 45 in the current quarter, and who do not possess a legitimate, illegitimate, acknowledged or legally adopted child. The respective directives will designate a working place located in France, making it possible for the applicants to return home every evening.

However, the respective directives for unmarried women of more than 25 years of age, as well as for women, who are separated or divorced, or for widows, can select any working place located in France.

Article 3. The articles 8 and 9 of the law of 4 Sep 1942 are rescinded and replaced by the following directive :

"Article 8. Any person, subject to the obligation as decreed in article 2, will have to prove a useful occupation in the interest of the country.

"Article 9. If this proof should not be sufficient, the individual may be subjected to such work as is allocated to the individual by the secretariat of state.

.....
.....

Article 7. The above decree is published in the "official journal" (Journal officiel) and will be observed as a State law.

Excerpt from
INTERNATIONAL LAW SUMMARIZED AS Interpreted and Applied
by the United States - by Charles Cheney Hyde, Volume
two, second revised Edition, Boston Little, Brown and
Company 1945

Page 1300

A State may compel another to exercise, contrary to its volition, the full measure of its agreement-making power in order to accept a proffered treaty, or may by threat induce it to do so under an influence of a fear sufficient to preclude the exercise of free will or judgment, and may employ such threat in the expectation that it shall be overruled. In such situations it may however, in fact, be denied that the compulsion or threat is wrongful and that the situation is exactly analogous to one of duress in private law. Sillig-rent States do not in practice admit that the pressure brought to bear upon a defeated foe to accept the proffered terms of treaties of peace is wrongful, or weaken the validity of acceptance. The United States would doubtless not admit that the compulsion applied to Haiti as a means of causing that Republic to accept the treaty concluded on September 16, 1915, was wrongful. Her contracting powers themselves the authors of provisions which they have succeeded in compelling others to accept, disposed to permit any question touching the possible effect of compulsion upon the matter of validity to be adjudicated in any international forum. Nevertheless, the political status of a country claiming independent statehood must, on principle, be deemed to be impaired, whenever it is forced against its own will, to forego the right to reject the terms of an unacceptable convention.

- 2 -

Interference with the right of rejection is believed to constitute a form of intervention, demanding by way of justification such a showing as is acknowledged to be requisite whenever recourse is had to such action. Intervention by treaty remains a grim and tragic feature of the international society because the technical consent that is wrung from a supposedly independent State is accepted as a manifestation of the national will, and a fiction is employed to sustain the contention that there has been no impairment of political independence. The practice, moreover, weakens respect for the sanctity of treaties, as well as for principles to which the international society owes attachment.

It should be observed, however, that it is the character of what is sought to be done, rather than the quality of the act, that is attached to the instrument through which achievement is sought to be effected, which is the chief concern of the international society. If the which governs its membership limits the freedom of a belligerent in selecting terms of peace from a prostrate foe, or if it gradually forbids transfers of territory that are contemptuous of the wishes of the inhabitants, or purports to deny to a State, possibly as a result of the nature of conduct to which it has had recourse, the privilege of wringing particular concessions from a neighbor, it should not be difficult to establish the invalidity of the instrument that was utilized to facilitate and give expression to the accomplishment of the illegal designs. The practical problem of the present time concerns, therefore, the legal effect

of compulsion upon achievements attributable to it,
rather than the legal quality of agreements that
are utilized in order to make compulsion effective.

The correctness of the above extract of the
original text is certified hereby.

Wormsberg, 26 October 1947

signed Dr. Sternberg
(Dr. Sternberg)
B. Franz General Assistant

Diplomatic Corps at Vichy and Consular List

(Excerpt from "Goetheisches Jahrbuch fuer Diplomatie, Verwaltung und Wirtschaft" (Gotha Almanach fuer Diplomatie, Administration und Economy), Year 1942, Pages 255-259)

EGYPT: The diplomatic relations have been severed since 6 January 1942

AFGHANISTAN: Minister Extraordinary: Prince Sahib Wali Khan, March 4, 3.7.1941; Councillor: Ismail-bek Thoudair Khan; first secretary: Abdul Kader Khan; secretaries: Ghulam Ali Khan, Moh. Ali Khan.

ARGENTINA: Ambassador: Dr. Miguel Angel Garza, 22. 10.1938, councillor: E.P. Lencina; first secretary: J. Briviere; second secretary: J.M. Rhoads; secretary and attaché: E.J. de Andueza; attaché: A. Fernandez Gorgol (absent); Dr. R. Alcoriz; military att.: Colonel E. Miranda; air att.: A.R. Macleod (absent); agricult. att.: I.M. del Corral. + + + J. Olivero, Consul General, 48, + A. Martinez de Hoz, Consul + + + J. de Vedia, Consul. + + + D. Sotomayor, Consul + + + E. Escalado, Consul, 38; Consul at Buenos Aires (+ E. Kohn, 28), Biarritz (+ F. Ortiz Boineau, 3), Bordeaux (+ A. del Carril, 13), Boulogne-s.-M. (+ F. Alameda Almonaci, 36), Cannes, Cherbourg (+ E.A. Arzuffet, 31), Clermont-Ferrand (+ J. Cordore Pizarro, 37) Dunquerque (+ L. Frischetti Baccio, 22) Le Havre (+ H.A. Schovarr, 31), Lyon (+ E.J. Loub, 33), Marseille (+ A. Lora, 37), Nantes (+ A. Lora, 36), Nice (+ O. de Glaz-bai, 51) Orleans (+ Louis Rivarola + + +) Pau (+ E. Schirfrino), + + + R. con, Villefranche; 15 vice consuls.

BELGIUM + + + + +

BOLIVIA: Minister Extraordinary: Simón I. Patiño, 21.2. 27; councillors: R. Martinez Varas, J. Ortiz Anzoriz; first secr.: J.M. S. Lys-Lindberg; milit. att.: A. Sanchez, Lt. Colonel; air att.: A. Rodriguez, General. + + + J.M. Golve-Lindberg, Consul Gen., 36; Consuls at Bordeaux, La Rochelle, Le Havre, Lyon, Marseille; 3 vice consuls.

BRAZIL: Ambassador Extraordinary: L. de Souza Bentes, 25.12.22; first secr.: A. de Siqueira Guimaraes; second secr.: A. de Mello Figueira; councillor for commercial affairs: J. Pinto de Silva; councillors for special affairs: L. de Paul Miranda, B.F. de Menezes; special att.: J.F. de Oliveira, H. Seidel; att.: Fr. Guimaraes, A. Rangel, Senor R.C. de Azevedo Rocha, A. Shaw, Senor R.A. Rodrigues; secretary of the mission: L. Levy. - + L. de Saint-Brisson Miron, Consul Gen., 36; + G. Pires de Rio, Assist. to Consul, 36; consuls at Biarritz, Bordeaux (+ M. de Lin. Barber, 30, + A. de Mesquita, Vice Consul, 34, Boulogne s.-M. (+ F. Mendes de Almeida, 38), Cherbourg (+ R. G. de, 35), Dunkerque (+ B. de Gledertol, Vice Consul, 34), Le Havre (+ C. Dutra 32, + A. Frederico F. de, Vice Consul, 30), Marseille (+ P. Vidal, 35); 11 vice consuls.

BRITISH EMIRATES: The diplomatic relations have been severed since 4 July 1940.

COMMONWEALTH OF AUSTRALIA:

CANADA:

CHINA: Minister Extraordinary:

BULGARIA: Minister Extraordinary: Nicholas K. Benoff . . 39; first secr.: A. Benoff, Permanent Office of Affairs; second secr.: A. Benoff; third secr.: A. Benoff; mil. and air att.: B. Benoff, Lt. Colonel of the Gen. Staff; press att.: B. Benoff, B. Benoff, Consul Gen. 20; consul at Lyon.

CHINA: Minister Extraordinary: Gabriel Gonzalez Vidosa, 25.11.30; councillors: de l. Euzet, J. de l. Euzet, S. del Campo; first secr.: J. de l. Euzet; second secr.: J. de l. Euzet; att.: A. Benoff, Royer; mil. att.: S. Benoff, Major; naval att.: G. del Campo, Captain; air att.: A. Benoff, Major; special att.: A. Benoff, Major; commercial att.: A. Benoff, Major; + A. Benoff, Consul Gen., 39; consuls at Bayonne, Bordeaux, Genoa, Cherbourg, Dunkerque, Le Havre, Lyon, Marseille (+ C. Benoff-Pinchoff, Consul Gen., 35) and Toulon.

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40; first secretaries: S. J. P. Prades; Agde, Béziers, Montpellier, Narbonne, Nîmes, Perpignan, + R. V. Sanguin Rivara, 35, + N. D. Moja, Vice Consul, 31) Orléans, Le Havre (+ J. B. Poyrède, Consul General, 35), Lille, Marseille, Montpellier, Nîmes, Rouen, Sète: 6 vice consuls.

10.12.39; second secr.: E. Gunderne, C.F. de Sucre; third
secr.: E. Aguirre; commercial and propaganda att.: G.D.
Abova, -A. Dorrozo Bustamante, Consul General, 37 + C.B.
de Sucre, Vice Consul...; consule at Magonha, Bordeaux,
Brest, Cherbourg, Le Havre, Marseille, Nantes, Nice, St.
Nazaire. 4 vice consuls.

27; Capt. L. B. Gwynne, 21 Oct.; L. Gissi, Lt. Colonel - Consul; Consul at Bordeaux, Ed. Evre, Lyon, Marseille, Nantes, Nice, Rouen; 5 vice consuls.

GUATEMALA: Minister Extraordinary: Jose Gregorio Diaz,
27.2.50; Sec. of J. Gonzales Arevalo; etc.: Dr. F. Naranjo -
+ A. C. Rios, Consul General, ...; consuls at Agen, Bordeaux,
Charbourg, Dieppe, Le Havre, Lyon, Marseille, Mentone,
Nism., Reims, St. Etienne, St. Nazaire.

38; P. Courtois; Stv.: A. Jean-Joseph, R. Armand, G. Roussin;
special att.: H. Godefroy; commercial councillor: L.R.
Thébaut, Plenipot. Minister. - + A. Théard, Consul General,
39; consule et Adjudio, Ancone, Brstia (+ M.A. François,
Consul General, 30) Bordeaux, Boulogne s.-M., Orléans,
Cannes, Cherbourg, Le Havre (+ L. Durand, Consul General,
30), Lille, Lyon (+ L. Fouget, Consul General, 37), Marseille
(+ ..., Consul General, ..) Nantes, Nice, Nîmes, Orléans
(+ L. Hirschmont, Consul General, 38), Reims, Rouen, St. Etienne,
St. Nazaire; 3 vice consuls.

Archbishop of Ephesus, 25.7.36; secr.: Mgr. C. Rocco; Auditor (Prie) Mgr. F. Bertoli; secr.: J. Prupini.

HONDURAS: Permanent Charge d'Affaires and Consul General
 Carl R. ...; Commercial Att.: J. Lopez + B.V. Sato, Vice
 Consul ...; Consuls at Agen, Bordeaux (J. Gaudard, Consul
 General, ...), Le Havre, Lyon, (H. Marini,
 Consul General...), Marseille (J. Guas, Consul General,
 ...), St. Nazaire, Toulouse; 1 vice consul.

ITALY: The diplomatic relations have been severed since
 18 November 1941.

Notes: + Consul General, numbers after names indicate
 date of Accrediting.

IRAN: Diplomatic Relations severed since 10 Nov. 1941.

IRELAND: Minister Extraordinary: Sean WHELAN, ...38;
 1st Secretary: G.C. O'HELIFF; Special Counsellor: G. O'Connell
 O'Leary of Galway and Tyebly.

ISLAND: Diplomatic relations broken off since 10 June 1940.

JAPAN: Ambassador Extraordinary: Satoru MATO, ...41;
 Counselor of Embassy: H. HARADA; Secretary: H. AOI, A.
 Consul, S. T. ASHIDA; Attaché: A. T. MITSUDA; Military At-
 taché: Y. TSUCHIHASHI, Gen.: K. vol Attaché: H. S. IMAI,
 Captain - Consuls in Le Havre, Lyon, Marseille (+ H. TA-
 KAMI, 38 ...)

LITHUANIA: Minister Extraordinary: Otto Boris von den BO-
 GARDEN von TERBRUGGE, 16 October 1931; Attaché: P. MORAN,
 Consuls in Bordeaux, Le Havre, Lyon, Marseille, Nice.

MEXICO: Minister Extraordinary: Lic. Luis J. RODRIGUEZ, ...
 26 April 1910; Chargé d'Affaires and 1st Secretary: R.
 BERRIO; 2nd Secretary: G. LUCIO; 3rd Secretary: Lic. R. A.
 SIQUEROS; Special Counsellor R. NERVO; Legal Advisor Lic.
 E. Rosendo Cortado; Military Attaché: L. A. PACHECO, Lt. Col.
 + G. ROSQUES, Consul General, 38, P. ALATORRE, Consul, 38, +
 BAIGTS, Consul, 38, + J. L. SERRASIMO, Senior Counsellor of
 Legation, 37; Consuls in Algiers, Bayonne, Bordeaux (+ P. TOBRES
 VIVANCO, 38) Boulogne, B. H., Cannes, Cherbourg, Le Havre
 (+ B. PRADO, 37), Lyon, Marseille, Nice, St. Nazaire, Sète, Tou-
 louse (+ P. MORALES, 38).

MOLDOVA: Minister Extraordinary: H. Oente de MATEVILLE, 2
 June 1927; Counsellor: Ch. Rolland de CASTRO; Secretary:
 L. MILHAC, Consul in Paris, Bordeaux, (Jennescu, Consul
 General ...) Dunkerque, Grenoble, Le Havre, Lille, Lyon,

HCO₃⁻ AN

PORTUGAL. Minister Extra-ordinary: Armando Sampaio. 1-
GAMA DOCELA, 16 October 1930. 1st Secretary: M. de
Antes e OLIVEIRA; 2nd Secretary: M. Nuno de Silva; 3rd
Secretary: P. de SOUZA COIMAS; Commercial Attaché:
P. CID; Commercial Attaché: J. P. FERREIRA dos SANTOS;
Social Attaché: J. MENSAGER; Press Attaché: P. Mendes
OSORIO- ..., Consul General; Consuls in Aires, Bayona
(+ ...), Bordeaux, Le Havre, (+ A. Figueiredo e CAMPOS,
53), Marseille (- J. A. de BOMBAIS, 35), Rouen, 22 vided
Consuls.

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ROMANIA: Minister Extraordinary: Dino HIGET, - 40;
2nd Secretary of Legation: C. ANASTASSIU, 3rd Secretary
of Legation: D. SERA; Military Attaché: M. GECIANU, Lt.
Col.; Plenipotentiary of the Economic Agency: D. PLESSIA;
Press Councillor let class: J. DRAGU; Councillor for Cul-
tural Matters: D. GIGAN.

SALVADOR: Minister Extraordinary and Consul General:
Raul CONTRERAS, 14 September 1939; 2nd Secretary: E.
SOLTIER; Attaché Q. De SOLA, - Consuls in Bordeaux
(-M. MOREL, 35), Le Havre, Lyon, Marseille, Nice, St. Ne-
aire, Vichy; 2 Vice Consuls.

SAN MARINO: Minister Extraordinary: Enrico GARDA, Major,
14 August 1936, - R. PACCHINI, Consul General, 38, Consuls
in Bordeaux, Lyon, Marseille, Monaco, Nice, Rome, Rouen.

SARBI-ARABIA: Minister Extraordinary: FUAD bey HAFANA,
4 November 1936.

SWED. Minister Extraordinary: Einar H. HES, 14 Sep-
tember 1934; Councillor: E. EDENGREN; Attaché: E. E. O. ES-
TERS ARB; Military Attaché: E. O. DE RIETZ, Lt. Col.; Coun-
ciller for Social Matters: G. LOFBERG; Press Attaché:
E. STROMBERG; Councillor and Vice Consul: H. G. J. CON-
RADI - R. H. A. NORDLING Consul General (-4 pairs), 26; Con-
suls in Bordeaux, Le Havre, Lille, Lyon, Marseille, Monaco,
Rouen; 25 Vice Consuls.

SWITZERLAND: Minister Extraordinary: Dr. Walter STUCKI,
17 March 1930, 1st Secretary of Legation: J. B. GROSUX; Mi-
litary Attaché: G. PICHAY, Lt. Col. - Consuls in Bordeaux,
(+ E. Parradat, gen. 41) + M. Zeller, Vice Consul, ...) Di-
jon, Lyon, Marseille, Nice, Nice, Toulouse (+ M. A. WIL-
GARNIER, 40) 2 Agencies.

USSR: Diplomatic Relations severed since 30 June 1941.

SPAIN: Ambassador Extraordinary: José Felix LEGUERRIA
y ARIZA, 6 April 1939; Councillor: Cristobal del
CABRILLO y Campos, Minister with full powers; 1st Secre-
tary: E. Pradier de CAMA JOT; Military Attaché: A. BARRO-
SO, Colonel; Air force Attaché: J. A. LIZALDE, Lt. Col.;
Naval Attaché: ... Consul General Attaché: K. ERUENDANI. -
+ ... Consul General; Consuls in Bordeaux, (+ de BERNIERO,
39) Bordeaux (+ B. ROJAS, 38), Hendaye, Le Havre, Lyon, Mar-
seille

BUREAU LIGHTS N=510

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THAILAND: Minister Extraordinary: PHR. BHIDDH NUKARA,
16 September 1937 (Tishon); Permanent Charge d'Affaires
LUNG BHADRAWALI; 2nd Secretary: LUNG PRASERT MAITRI;
3rd Secretary: LUNG JITA*1.- .., Consul General; Consul
in Bangkok.

UR 8-43; Minister Extra-ordinary: Gaeor GUILLERMO, 27 July 1959; Councillors: D. DAREZON, Dr. A. SAEVZ; 1st Secretary: A. SIMERA; 2nd Secretary: J. P. GOMEZ, Attaché: F. PADAL, RODRIGUEZ-RAMOS, E. PALACIOS, C. V. ZQUES BARRIL, Milit- ry Attaché: C. de AMDA, Major; Air Force Attaché: P. GUINE- REZ, Major. - + P. FERNANDO, ... - Consuls in Bayonne, Biarritz, (+ H. Gerold GAMES, 29), Bordeaux (+ C. CALMES, Consul Gene- ral, 35) Cherbourg (+ SB. ADELIA, 34) Dunkerque, Le Havre (+ C. Set 7), Le Havre (+ A. de PASCA, 39), Lyon (+ E. THAR- GOMER, 34), Marseille (+ V. SCRADA, 26), Nantes (+ V. FERRARI..), Nice, Orléans-Stenis-Meris, Pau, Sete; 5 Vice Consuls.

UNITED STATES OF AMERICA: Ambassador Extraordinary ...;
 Chargé d'Affaires: J.E. BARNES, Secretary of Legation;
 Counsellor of Embassy: R.D. MURPHY 1st Secretary: H.M. CO-
 CHMAN, K.S. FUMBERTON; 2nd Secretary: JAMES H. ...;
 LEE, B. HIGGINS; 3rd Secretary: E. de ...; D. ... ARTHUR

C. OFFICE, Military and Airforce Attaché: L. L. FULFORD, Lt. Col., Naval and Airforce Attaché: SCOTTS, Captain of the Navy; Commercial Attaché (Special Attaché D.R. A.A. Financial Attaché: J. FAIR; Agricultural Attaché: L. L. ALCOBY. - + R. L. MURPHY, 36 + R. S. FULFORD, Consul, 34; + R. P. MARTINIS, Consul, 37 + B. L. KELLY, Consul, 37, + L. HIGGINS, Consul, 37; + E. de MAYER, Vice Consul 35, + T. J. CAMPBELL, Vice Consul 35, + S. SMYTH, Vice Consul, 38; Consul in Bordeaux (+ E. B. GILBERT, 36, + E. GUSSA S, Vice Consul, 36 + D. MORLAND JR., Vice Consul, 35) Orléans (+ J. G. CARTER, 27); Cherbourg (+ A. OSTERTAG, Vice Consul, 36), Le Havre (+ S. H. TILLY + H. H. MCNALDSON, Vice Consul, 36 + Strotton ANDERSON, Jr., Vice Consul, 37) Lille (+ L. G. DARTCH, 35, + F. HAWLEY, Vice Consul, 37, Lyon (+ J. J. JOHNSON, 27, + S. ALLEN, 38), Marseille (+ J. P. MURPHY, Consul General, 35, + G. M. ACHON, 38, + H. WINGHAM, Jr., Vice Consul, 35, + F. STANDISH, Vice Consul, 37, + E. A. GUILLOT, Vice Consul, 37), Nantes, Vieux (+ P. C. SQUIER, 38).

VENEZUELA: Minister Extraordinary: Carlos ARISTIMUNDO-COLLA, 21 October 1946; Counsellor: J. E. SICON-PERRIS; Secretary: A. ARIZA; Civil Attaché: Dr. F. COPTERAS UNDA; E. MARTINIS, Military Attaché: H. R. LOPEZ-MENDOZA, Colonel; Commercial Agent: L. S. MONSIEU. - Consul in Porto, Bordeaux, (+ Dr. J. GARCIA-MARQUEZ, Consul General, 36), Boulogne - E. H. (+ E. ROHL, 37), CHATEL - BRYON, Cherbourg, Le Havre, (+ H. Herman MARQUEZ, 35), Lyon, Marseille (+ H. PIERI, 39), Vieux, St Nazaire (+ E. MARQUEZ, 39), Tours, Vichy.

NOTE:

The abbreviations stand for:

- AOGec. - Minister Extraordinary
- AOBotsch - Ambassador Extraordinary
- Adj. - Agent
- .i. - d interim
- Comr. - commissioned
- CG - Consul General
- C. Tr. Charge d'Affaires
- + - Order Consul
- = Consul
- V. Vice Consul
- A. - Consular Agent

The number after the name indicates the date of recording, that is - the date when the document was received, - the latter applies to Consuls.

DOCUMENT BOOK I SCHNEIDER

CERTIFICATE OF TRANSLATION

13 February 1948

We, Gerta KANTOVA, No. 20151, and George GOODMAN, No. 34789, hereby certify that we are thoroughly conversant with the English and German languages and that the above is a true and correct translation of the Document Book I, Schneider.

Gerta KANTOVA
No. 20151

George GOODMAN
No. 34789

(END)

Case 6
Defense

Supplementary Document Book No. 1

for

Dr. Christian Schneider

Submitted by
Counsel for Defense
Dr. Hellmuth Dix

Teng



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for supplementary Document Book, Dr. Christian Schneider

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A f f i d a v i t

I, Dr. Hans Sauer, Kronberg in Taunus, Schillerstrasse 6 after having been cautioned that I am liable to punishment if I make a false affidavit, herewith declare under oath that my statement is true and that it was made in order to be presented as evidence before Military Tribunal II in the Palace of Justice, Nuernberg, Germany.

Like Dr. Dehnelt and Dr. Christian Schneider I was also a sponsoring member of the SS in Leuna. As such I did not take the oath and as far as I know, sponsoring members were not at all placed under oath, neither to the SS nor as far as sponsoring membership was concerned. Dr. Dehnelt was a definite opponent of National Socialism up to the time of his death shortly before the second World War. As sponsoring members, we were never recognized by the SS as members of the SS and I myself and the persons named had no relations other to the SS than paying our dues.

Kronberg, 14 February 1948
(signed) Dr. Hans Sauer
(Dr. Hans Sauer)

I certify herewith that the above signature was made in my presence on 14 February 1948 by Dr. Hans Sauer personally, residing at Kronberg.

Nuernberg, 15 February 1948
(signed) Dr. Rupprecht Storkobrum
(Dr. Rupprecht Storkobrum)
Assistant Counsel for Defense

Schneider Nr. 282
Exhibit No.

Excerpt from Judgment on Altstoetter et al.
Tribunal III, Case No. III, Page 10905 and
the following of the transcript.

"With regard to the SS the Judgment of the International
Military Tribunal is as follows:

The Tribunal declares to be criminal within the meaning
of the Charter the group composed of those persons who
had been officially accepted as members of the SS as
enumerated in the preceding paragraph who became or
remained members of the organization with knowledge
that it was being used for the commission of acts
declared criminal by article 6 of the Charter

Referring back to the membership enumerated, the Judgment
declares:

In dealing with the SS, the Tribunal includes all persons
who had been officially accepted as members of the SS,
including the members of the Allgemeine SS, members of
the Waffen-SS, members of the SS-Totenkopf Verbände,
and the members of any of the different police forces who
were members of the SS

(page 10906)

It is not believed by this Tribunal that a sponsoring membership
is included in this definition.

The Tribunal therefore finds the defendant C u h o r s t
not guilty under Counts two and four of the indictment."

Certified herewith that the
above is a true and correct
copy of the original.

Nuernberg, 14 February 1948

(signature) Dr. Rupprecht
Storkobaum
(Dr. Rupprecht Storkobaum)

E x c e r p t

from

"Trial of the Major War Criminals before the International
Military Tribunal Nurnberg, 14 November 1945 - 1 October
1946, Published at Nurnberg, Germany, 1947" Volume 4.

(DMT Transcript)

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Page ~~190~~

"Major Farri: When we are talking about the SS members, we are not talking about stenographers who worked in the office, who were not members of the SS. By the SS members, we mean personnel who took the oath and appeared on the membership list, either as a member of the Allgemeine SS, the Death's Head units, or the Waffen-SS. I would think that my figure of 750,000 was a figure including members of the SS, Allgemeine SS, the Totenkopf Verbände and the Waffen-SS."

Certified herewith that the
Above is a true and correct
copy of the original.

Nurnberg, 14 February 1948

(signature) Dr. Rupprecht Storckbrum
(Dr. Rupprecht Storckbrum)

CERTIFICATE OF TRANSLATION

Nurnberg, 18 Febr. 48

I, Charles Gordon, Civ. No. 3-316597, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the original.

CHARLES GORDON
Civ. No. 3-316497

A f f i d a v i t

I, Dr. Heinrich Strosbeck (Engineer) born on 10 February 1885, resident in Rosenthal, District Frankenberg/Elber House No. 243, having been cautioned that I render myself liable to punishment if I submit a false affidavit, do herewith state under oath that my deposition is true and was made to be submitted as evidence before the Military Tribunal in the Palace of Justice Fuerberg Germany.

I studied mechanical engineering at the Technical College Brunswick and graduated there in 1913 as a qualified engineer. Since 1919 I was employed in the Leuna plant of the I.G. Farbenindustrie A.G., at first as deputy director of the Machine and Technical Department and later as Director of the Technical Department.

I have been asked by a defense counsel in the I.G. Trial to express my opinion on a number of photographs submitted to me. I do herewith certify that these photos, which I have signed individually on the reverse side, and likewise compiled in a list signed below are actual photographs representing the billets for foreign workers of the Ammoniakwerk Merseburg G.m.b.H. Leuna Werke. Owing to my official duties I am well acquainted with all camps and billets built and equipped by the Leuna plant. I wish to emphasize that I am making my statements according to the best of my knowledge and belief. However, as I have no documentary material whatsoever at my disposal, and therefore have to rely completely upon my memory, it is not impossible that minor errors occur in my statements, which in no way alter or influence the description as a whole.

The pictures contained in the series are arranged according to the following principles (of course only as far as corresponding pictures are available).
General view, dining-hall, kitchen, dormitories, washrooms, dispensary, day-rooms, recreation rooms.

The individual picture series may be identified from the list below:

Newly constructed camps :

- | | |
|---|---|
| A. Hatted compound Leuna-West (1-9) | Workers Camp, occupied at the beginning by German conscripts, to whom foreign workers were added later. |
| B. Home for single persons I Duerenberg (10-17) | Workers camp, occupied mainly by French, partly Italians. |
| C. Hatted camp Spargau (18-25) | Workers camp, occupied at first by Russians. |
| D. Community Camp Spargau (26-37) | Employees and Workers camp, workers of various nationalities, divided in the camp according to nationality. |

Reconstructed Hotels :

- | | |
|--|---|
| E. Hotel Stadt Hamburg, Halle (38-41) | Employees camp, employees of various nationalities, many Dutch |
| F. Luetzen School (42-45) | Employees and Workers camp of various nationalities. |
| G. Home for single Persons in the Meuschau Inn (46-48) | Workers camp, I cannot remember anymore who were the occupants. |
| H. Home for single persons Halle lighthouse (49-50). | Workers camp, cannot remember occupants anymore. |
| I. Community Camp Gaja (51-53) | Workers camp, cannot remember occupants any more. |

Although the photos speak for themselves, I shall add the following general remarks about them.

page 2 of Affidavit Dr. Heinrich Strombeck

Regardless of the cost, everything was done by the Leuna-plant, chiefly by the plant manager Herr Dr. Christian Schneider to arrange the living quarters for the foreign workers as suitably, cleanly, comfortably and homely as possible. There was a total of 50 camps available, which had partly been rebuilt as hatted camps. Sometimes available hotels and inns had to be used. In such cases first class hotels (c.f. Hotel Stadt Hamburg, Halle) and the best inns were chosen and suitably reconstructed for new dwelling purposes. Specially capable employees who had to see that the equipment was to the satisfaction of the inmates were responsible for the camps.

The food rations were prescribed by the authorities. Competent innkeepers were contracted who were responsible for the food, often receiving special allocations of provisions (vegetable etc.) from the plant for the workers' food. These inn-keepers were under permanent supervision. Generally speaking with regard to the food, I can say that considering the conditions and possibilities available at the time, it would be regarded as sufficient and good.

The dining-halls were large and airy . The crockery was clean and plenty of it was available.
Wherever possible , the dining-halls were equipped with stages where theatrical, variety, musical and other performances took place. Very often the camp-inmates got together and formed their own bands or dramatic groups; the performances were known to be good . The furnishing equipment of the camp West was particularly famous. (c.f. pictures No. 2 and 37.)

The kitchens and wash-rooms, laundries were exemplary , and were frequently cleaned each day . There were first class boilers in the kitchen for soup, cooking utensil for meat dishes, mincing and cleaning machines . Many kitchens were equipped to prepare food for 1000-2000 persons at the same time.

Medical care was arranged in such a way that the camp physicians provided with automobiles were in the camp at certain times and treated the patients or carried out general examinations . There were dispensaries , sick-rooms, and in larger camps also rooms for convalescence . In severe cases the patient was naturally transferred to a hospital .

Kindergartens were installed if necessary in the community (family) camps.

In Bad Duerenberg a maternity home was fitted up .(no pictures available in this report) .

For the recreational periods there were writing and reading rooms , and some for games of all kinds. There were many gymnastic grounds in the compounds equipped for jumping exercises, ball-throwing etc. Very often gymnastic apparatus was available in the local communities. In addition the foreign workers could visit German cinemas and dance-halls at any time.

The camps were visited by many persons and associations , e.g. representatives of the countries from which the workers originated, who continuously praised our institutions .

Rosenthal, 13 February 1948

Signature : Dr. Heinrich STROMBECK

I do herewith witness and certify that above signature of Dr. Heinrich STROMBECK, resident in Rosenthal No. 243 given before me Dr. Rupprecht STORKEBAUM on 13 February 1948 in Rosenthal .

Rosenthal , 13 February 1948

Signature Dr. Rupprecht STORKEBAUM

(Dr. Rupprecht STORKEBAUM)

1 - 9	Hutted compound LeunaWest	52508; 54866; 52514; 52515, 54859, 52513, 52511, 54856, 53301
10-17	Home for Single Persons I Duerrenberg	55398; 55393, 55394, 55392, 55504 55395, 55397, 55400
18-25	Hutted camp Spargau	49225; 49226; 49227, 49229, 49230 49232, 49233, 49231,
26-37	Community Camp Spargau	56433, /18, 56433/30, 56433/16 56433/17; 56433/1 56433/45 56433/2 ; 56433/5 , 56433/3 56433/28, 56433/15 , 56433/11
38-41	Hotel Stadt Hamburg , Halle	49238, 49239, 49240, 49241,
42-45	Luetsen School	55825, 55826, 55823, 55824
46-48	Home for Single persons Neuschan Inn	48842, 48840, 48841,
49-50	Home for single persons , Halle lighthouse	48837, 48836
51-53	Community Camp Cafe	53015, 53014, 53016

Appendix to affidavit Dr. Heinrich STROMBECK.

Rosenthal , 13 February 1948

Signature Dr. Heinrich STROMBECK
(Dr. Heinrich Strombeck)

I do herewith witness and certify the above signature of Dr. Heinrich STROMBECK, resident in Rosenthal No. 243 given before me Dr. Rupprecht Storkebaum on 13 February 1948 in Rosenthal .

Rosenthal, 13 February 1948

Signature: Dr. Rupprecht STORKEBAUM
(Dr. Rupprecht Storkebaum)

CERTIFICATE OF TRANSLATION

18 February 1948

I, Flora C. GOTTSCHALK, Civ.No. 20094, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Supplement I Schneider .

Flora C. GOTTSCHALK
Civ.No. 20094

Schneider No. 285
Exhibit No.

C o p y

Otto Ruediger Bieringer

(17a) Karlsruhe, 11 February 1948
Bahnhofstr. 32

S t a t e m e n t

As former concentration camp inmate in Buchenwald, transferred in 1943 from Esslingen to work in the Leuna plant, I have been requested on account of my experience in the Leuna plant to make a statement regarding the charges raised against the former plant manager, Herr Director Dr. Schneider. Since I was an inmate of Buchenwald for a year before being transferred to Leuna and during my period of imprisonment was housed in various institutions, I can very well judge the difference between a concentration camp and a penitentiary, as well as the conditions as I found them in the Leuna plant.

Together with 30 comrades, who for professional reasons such as Chemists, physicists and laboratory assistants were allocated to work in the laboratory of the Leuna plant, and lived in the Halle penitentiary, I worked in the laboratory of the plant which was subordinated to foreman Zappe and his supervisor Dr. Laves. Herr Dr. Laves received official orders concerning us from the plant manager Herr Director Dr. Schneider through Herr Director Dr. Barnisch.

Whilst accommodation in the Halle penitentiary was notorious for its personal restrictions, living conditions for convicts in the Leuna plant.

meant almost a relief from oppression in comparison to oppressive conditions suffered in the penitentiary. Although very severe orders had been published by the executive authority, which prescribed, that nobody was allowed to have personal contact with the prisoners and even the supervisors of the Leuna plant were not permitted to speak to us when off duty, we all had from the first day on the feeling of relief to be entrusted to people who would not abuse our situation. During our activities there this feeling was confirmed by many helpful acts, and sympathy was frequently expressed to us during the course of conversations.

In spite of the strict supervision by the administrative official, the comradely attitude towards us on the part of the supervisory personnel increased more and more. The efforts of the plant management to relieve our situation through additional and better messing, the endeavor to obtain the permission from the administrative authorities to give us tobacco, and the fact that we had a break daily for the purpose of smoking, signifies the attitude of the management. Whoever, like myself had come to know the methods of a concentration camp, which had the purpose of destroying people physically and mentally by means of the greatest brutality and through the worst methods of slave-driving, can fully appreciate the difference as we found it in the attitude of the management of the Leuna plant. For us Leuna was a real convalescent home and every journey there meant a journey into liberty.

In the Leuna plant we were able to come into contact with free conscripted foreigners, in the library it was even possible, without the supervision of the police guard. We were occasionally able

to talk to the foreign workers, especially during the recreational period when smoking, which was done in the large dining hall, where we were brought and often met foreign workers smoking there. In this way we were able to gain a slight impression of the life and outlook of these conscripts. So far as we were able to contact them we discovered from conversations with them, that out of sheer dislike for forced labor, they tried to sabotage every job, which apparently they succeeded in doing, owing to the leniency of the plant management.

The experience I gained personally, and the general impression I received of Leuna was the exact opposite of slave-driving or exploitation of human working capacity. This was in direct contrast to continuously repeated demands of the National Socialist administration. I am convinced, that this attitude would have resulted in the worst consequences for the plant management, if these conditions had become known, particularly as it was just the foreign workers, who profited from this generosity.

For this reason I cannot understand the charges raised against Herr Dr. Schneider for crimes against humanity.

Certainly there were also separate concentration camp detachments, which were dealt with in the usual concentration camp manner by guards. But the plant management was in no way connected with this and also exerted no influence whatsoever on this matter. Whoever asserts the contrary has not the slightest idea of an auxiliary concentration camp, of the supreme authority wielded by its commandant and the regulations governing this, which were issued by the Reich Main Security Office.

There would scarcely have been a person in the Third Reich who dared oppose these regulations. It would have been tantamount to a painful death.

I do not know Herr Director Dr. Schneider personally. But that which I experienced, saw and heard myself in the Buna plant, justifies my saying that the charges raised against him for crimes against humanity lack any and all foundation.

The above statement was made by me under oath.

Karlsruhe, 11 February 1948

(signature)

CERTIFICATE OF TRANSLATION

18 February 1948

I, Susanne David, Civ. No. 20174, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the original.

SUSANNE DAVID
Civ. No. 20174.

Case 6
Defense

Document Book
for
Dr. Christian SCHNEIDER
No. 2

Submitted by
Dr. Hellmuth DIX
Counsel for the Defense

Gang



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for Document Book II

for Dr. Christian SCHNEIDER

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for Dr. Christian SCHNEIDER

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6		Control Council Order No. 3 dated 17 January 1946 concerning labor registration (Duk. Exh. No. 4) "18. The labor office is, if necessary autho- rized to use compulsory orders to direct persons to a place of employment "19. Unemployed persons who find jobs on their own initiative or workers who change their jobs without permission from the Labor Office and all unemployed who do not comply with the compulsory labor order, are liable to the penalties provided under this order and to the loss of the right for food ration cards."....	71-74
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Document 276 (pages 82-84), a "Certificate for the correctness of
SCHNEIDER Documents 108 and 109," is inserted after Document 264.

M. K. W. Lewis

Document Book II SCHNEIDER

I herewith certify that all the documents contained in this Document Book are verbatim copies of the documents submitted to the Tribunal.

Nuremberg, 7 February 1948

signature: Dr. Hollnath DIX

(Dr. Hollnath DIX)

Attorney-at-Law

Plenipotentiary for the Four Year Plan
Deputy General for the Labor Allocation

Vle 5760/8976/44.

Berlin SW 11, 19 December 1944
Saarlandstr. 96

Express letter !

- a) To the Presidents of the Gau Labor Offices
and the Reich Labor Trustees:

Schleswig-Holstein	at Rendsburg
Mecklenburg	" Schwerin
Thuringen	" Erfurt
Munich - Upper Bavaria	" Munich
Vienna	" Vienna
Hiederdorfer	" Linz

- b) To the Presidents of all other Gau Labor Offices and Reich
Labor Trustees.

Concerning: Expiration of labor contracts of workers from
friendly countries.

I. I herewith rescind my decree of the 15 May 1944 - Vle 5760/
2929/44 secret - addressed to the presidents listed under a).
The following conditions will in future apply to workers from
friendly countries after their contracts have expired:

The plant managers must make all possible efforts to persuade
the workers by friendly means to renew their contracts. The la-
bor offices are to give all support to the efforts of the plant
managers if required. If the foreign workers refuse to remain
in the Reich despite all these efforts, they are to be permit-
ted to return to their native countries. In these cases attempts
must be made to persuade the workers to return to their work
in Germany after spending a certain period of time at their
homes.

(page 2 of original)

II. These basic instructions, which apply to all workers from friendly countries are supplemented as follows with regard to nationals of the individual countries:

Bulgarians:

According to figure II of the memorandum regarding the negotiations between representatives of the German Government and the Bulgarian National Government of the 19 September 1944 (Circular decree of the 7 November 1944 - VIa 5760.6/62 -) Bulgarian workers are obliged to remain in their employment also after their labor contracts have expired. If they are not willing to do so voluntarily they can be forced to do so by the measures of the German regulations. The same applies to any transfers which may be necessary.

Danes:

According to the Circular Decree of the 30 September 1942 - Va 5552/436 - Danish workers belong to those foreigners with whose native countries international agreements or other special arrangements have been made concerning the labor allocation. They are thus not to be conscripted.

Italians:

Figures 2 and 7 of Article VI of the German-Italian Agreement of the 12 November 1944 regulate the duration of labor contracts of Italian workers and the extension of such contracts after expiration, and for the transfer of the workers to other concerns. They read as follows:

"2. Duration of the labor contract.

- a) The labor contracts of workers who are engaged in Germany after this agreement comes into force normally last one year; they can be

(page 3 of original)

extended by arrangement between the plant manager and the worker. The extension is to be in writing. If such an arrangement is not made, and if war conditions demand that the worker should remain at his place of work for a further period, the labor contract can be extended for periods of three months at a time by instructions in writing from the Labor Office.

b) The employment of workers engaged in Germany before this agreement came into force will be terminated on the 28 February 1945 regardless of any agreement to the contrary between plant manager and worker. The extension of the labor contract is regulated by the ruling under a).

c) The employment of former military internees will continue for the duration of the war.

7. Transfers.

If war conditions demand it, a worker can be transferred to another plant by a written order from the Labor Office. In that case a new labor contract will be made to cover the remainder of the period of the old contract. If possible, the payment conditions of the new contract should be as favorable as those of the old one. If the transfer results in a decrease in the former wages, special compensation will be paid in accordance with the German ruling on this subject."

The agreement will be communicated immediately to the labor allocation offices.

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Croats.

I refer to the memorandum on the German-Croat negotiations of the 11-15 August 1944 (Circular Decree of 21 August 1944 - VIa 5760.36/61 -). According to that the Croatian Government has approved in principle of the extension by one year of expired labor contracts of Croatian workers, on condition that in exceptional cases if special circumstances so require the contract need not be extended. If Croatian workers refuse to extend their contracts, the competent Croatian authorities are to be informed, who will induce the workers to remain in their employment in Germany. There will be no question of release on account of expiration of contract. Croatian workers may not be conscripted for labor (Circular Decree dated 30 September 1942 - Va 5552/438.

Swiss.

According to Circular Decree dated 5 November 1943 - VI a 5552/230 - Swiss workers may not be conscripted for labor.

Slovaks.

The Slovak Government has consented to instruct the Slovak Welfare organizations to persuade the Slovak workers employed in the Reich to extend their labor contracts on expiration. If Slovak workers refuse to extend their contracts, the competent Slovak agents are to be informed and requested to intervene. According to Circular Decree dated 30 September 1942 - Va 5552/438, Slovak workers are not to be conscripted for labor.

Spaniards.

At the present time it is impossible

(page 5 of original)

to send Spanish workers home, so that it should not be difficult to obtain their consent to renew their expired labor contracts. According to Circular Decree dated 30 September 1942 - Va 5552/438 - Spanish workers may not be conscripted for labor.

The Special Delegation for the Welfare of Spanish Workers in Germany intends to transfer a small number of Spanish workers to Berlin and the Mark Brandenburg for administrative reasons. I request that corresponding proposals from the Spanish Special Delegation be received favorably, insofar as there are no special reasons why this should not be done.

Hungarians.

The Hungarian Government has stated its readiness to inform the Hungarian workers that Hungary has no objection to workers remaining in Germany. If Hungarian workers refuse to extend their contracts, the Hungarian agents are to intervene by negotiating with the workers. According to the Circular Decree dated 30 September 1942 - Va 5552/438 - Hungarian workers are not to be conscripted for labor.

With regard to the special treatment of Hungarian nationals in the former Burgenland in this connection, I refer the President of the Gau Labor Office and the Reich Labor Trustee of the Steiermark to my decree of the 5 December 1944 - VIa 5552/182-, III. My circular decrees of the 30 September 1942 - Va 5552/438 -, of the 22 October 1942 - Va 5552/482 -, of the 3 December 1942 - Va 5552/543 - and of the 18 January 1943 - Va 5552/566 - apply to all other foreign workers. Rumania is now excluded from the countries mentioned in the Circular Decree of the 30 September 1942,

(page 6 of original)

with when international agreements or special arrangements have been made concerning the labor allocation.

Supplement for the Presidents of
the Gau Labor Offices and Reich Labor Trustees of Branden-
burg, Munich-Upper Bavaria, Wuerttemberg and Tyrol-Vorarlberg.

The Reich Minister for Armaments and War Production has given me the names of the following plants which urgently require the continued services of the foreign workers listed here:

1. Brandenburg.

The Niederbarnimer Flugzeugwerke at Biesdorf: 20 Spaniards, 83 Hungarians and 27 Croats. Among the Hungarians and Croats there are some irreplaceable technical specialists.

2. Munich-Upper Bavaria.

Uher & Co., Munich:

27 Croat technical specialists.

3. Wuerttemberg:

Daimler-Benz A.G. at Untertuerkheim:

50 Croats, 15 Swiss and 15 Hungarians.

4. Tyrol-Vorarlberg:

Heinkel's at Jenbach, Walterwerk:

253 Croats. This firm especially is experiencing difficulties with the labor allocation. It is engaged on urgent manufacturing work.

I request the Labor Offices in question to make special efforts to ensure that the workers remain at these plants.

DOCUMENT BOOK II SCHNEIDER
SCHNEIDER Document No. 108
Exhibit No.....

(page 7 of original)

Copies for the Labor Offices are attached.

By proxy

Signed: (Signature)

Institute For World Economy, Kiel

Economy Archives

Ordinance Gazette of the Military Commander in Belgium and
Northern France for the occupied territories of Belgium and
Northern France, Brussels

No. 68

Dated: 7 March 1942.

2.

Decree

concerning the guarantee of labor requirements for work of
special importance

Dated 6 March 1942.

By reason of the authorization given me I order for Belgium
as follows:

Section I

Compulsory service.

Article 1

(1) The inhabitants of the area of command in Belgium can
be made to perform compulsory service for special labor output.

(2) For this private and public plants and administrations
can be enjoined to supply labor.

Article 2

(1) The earlier employment status ends with the liability for
service.

(2) For the employment status of the person liable for service
the working conditions pertaining to the new situation become valid.

(3) For the termination of the employment status consent must
be obtained.

Section II

Change of place of work.

(page 2 of original)

Article 3

(1) In deviation from the provision in Article 2, sub-paragraph 1, the termination of the previous employment status can be ordered for a certain date, if by taking up of voluntary work elsewhere the performance of compulsory service can be waived.

(2) In other cases than those in Article 2, sub-paragraph 3, too, the termination of employment status can be made dependant on consent. The recruitment of labor, too, can be made dependant on consent.

Section III

Implementation- and penalty-provisions.

Article 4

All public and private plants and administrations are obliged to conform to the request sent them in the execution of this ordinance by the official agency, competent according to Article 5. These requests can be made for the individual case as well as for general cases.

Article 5

(1) The military government chief issues the regulations necessary for the implementation and supplementation of this ordinance.

(2) The implementation of the provisions is incumbent on the military administration headquarters and the military government area headquarters, and according to their instructions on the labor offices.

Article 6

Whoever acts in contradiction to this ordinance or to ordinances and orders issued for its implementation or circumvents it, will be

Document Book II SCHNEIDER
SCHNEIDER Document No. 112
Exh. No.

(page 3 of original)

punished by imprisonment and fine or by one of these penalties.

Article 7

This Ordinance becomes valid on the day of publication.

The Military Commander
in Belgium and Northern France.

INSTITUTE FOR WORLD ECONOMY, XIEN

Economic Archives.

Ordinance sheet of the Reich Commissioner for the Ostland (Eastern
territory) area.

No. 1

Date: 31 January 1943

First Ordinance

to implement the introduction of labor duty in the occupied Eastern
territories, dated 25 January 1943.

Pursuant to article 4 of the ordinance of the Reich Minister for
the occupied Eastern territories concerning the introduction of labor
duty in the occupied Eastern territories, dated 19 December 1941,
(Ordinance sheet 1, Reich Minister Post, 1942, p. 5), I herewith decree
the following:

Article 1.

- (1) All work in the interest of the public, comes in the sphere of
public labor duty, in particular work in the armaments industry, in
agriculture, in public construction, underground - and hydraulic
engineering, the construction and upkeep of public buildings, construction
and repair of roads, water ways and rail roads, the straightening of
streams and rivers and works for the advancement of culture.
- (2) The persons liable to labor duty have to undergo re-training,
training or apprenticeship as directed by the District Commissioner
(labor office).
- (3) The labor duty may also involve the service outside the Reich
Commissariat Ostland.

Article 2.

- (1) Persons liable to labor duty are to be employed where they can
be of the greatest possible use in accordance with their knowledge and
capabilities.

(page 2 of original)

- (2) All able bodied persons are liable to labor duty.
- (3) Those not fully able bodied are subject to labor duty to the extent of their capability.

Article 3.

- (1) The persons liable for labor service are to be drafted for service by the district Commissioner (labor office) competent for their residence or domicile.
- (2) The District Commissioner (labor office) may impose the obligation on the heads of Kreise and communities to produce persons liable for labor duty for the service.
- (3) When a person liable to labor duty is being drafted, the competent District Commissioner (labor office) will send him a draft notification.

Article 4.

Labor draftees will be paid in accordance with the local pay rates applicable to the job.

Article 5.

- (1) The duration of the labor duty is to be decided by the District Commissioner (labor office). It may be restricted to a certain period from the beginning. Labor duty for an indefinite period may only be terminated with the permission of the District Commissioner (labor office) competent for the place of employment.
- (2) For employment outside the Reich Commissariate Ostland, the rules valid there at present will apply.

Article 6.

- (1) The person liable to labor duty has to take all steps necessary to start work.
- (2) On request of the District Commissioner (labor office)

(page 3 of original)

he must, in particular,

1. appear in person with all his personal documents giving all pertinent information concerning his person,
2. to use articles in his possession of use for the labor service (e.g. hand tools and working clothes) during his labor service.

Article 7

A labor draftee's place cannot be taken by any other person.

Article 8

- 1) Anyone countervailing this implementation ordinance will be punished in pursuance of article 6 of the ordinance of the Reich Minister for the occupied Eastern territories concerning the introduction of labor duty in the occupied Eastern territories dated 19 Dec 1941 (Ordinance sheet 1, Reich Minister Post, 1942, p.5)
- 2) Anybody attempting to prevent others from compliance with their duties arising from this implementation ordinance is also liable to punishment.
- 3) Proceedings will only be started upon application of the District Commissioner (labor office).

Article 9

In less severe cases, the District Commissioner may order the transfer to a labor camp up to a period of 6 weeks in lieu of criminal proceedings pursuant to article 8.

Article 10

This ordinance comes into force on 1 Feb 1943.

Riga, dated 25 Jan 1943.

The Reich Commissioner for the Eastland

By order

Signed: MATTHIESSEN.

Institute for World Economy, Kiel
Economy Archives

Ordinance Gazette of the Military Commander in Belgium and
Northern France for the occupied territories of Belgium
and Northern France, Brussels.

No. 100

Dated: 6 May 1943.

7.

Second Ordinance

for the amendment of the ordinance concerning the guarantee
of labor requirements for work of special importance
dated 30 April 1943.

By reason of the authorization given me I order for Belgium
as follows:

Sole Paragraph :

Section III of the ordinance concerning the guarantee of
labor requirements for work of special importance dated 6 March
1943 (Ordinance Gazette of the Military Commander, No. 68, issue
No. 2) in the wording of 6 October 1942 (Ordinance Gazette of the
Military Commander, No. 87, issue No. 6) is being amended, and
effective immediately, it receives the following wording:

Article 5

All public and private plants and administrations are obliged
to conform to the request made to them in the execution of this
ordinance by the official agency, competent according to Article 6.
These requests can be made for the individual case as well as for
general cases.

(page 2 of original)

Article 6

(1) The military government chief issues the regulations necessary for the implementation and supplementation of this ordinance.

(2) The implementation of the provisions is incumbent on the military administration headquarters and the military government area headquarters, and according to their instructions on the labor offices.

Article 7

(1) Whoever acts in contradiction to this ordinance or to the ordinances and orders issued for its implementation or circumvents it, will be punished by imprisonment and fine or by one of these penalties.

(2) The general commanding officers in charge of military administration, the officers in charge of military administration headquarters and the officers in charge of area headquarters are authorized to pronounce sentence of arrest up to six months, application of disciplinary or penalty regulations against persons who act in contradiction to orders given by the competent German offices by reasons of this ordinance.

(3) Punishable actions in the sense of this ordinance, will only be sentenced by Court Martials if the chief of the military administration or the office authorized by him will request this.

Article 8

Measures concerning their property can also be adopted against persons who do not conform to requests sent them by German offices by reason of this ordinance (persons refusing to do compulsory service).

Article 9

In order to prevent favoring of persons refusing to do compulsory service, measures concerning the person and property

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can be ordered:

- a) against the kin of the person refusing to do compulsory service,
- b) against persons who aid persons refusing to do compulsory service or abet them otherwise.

Article 10

The area headquarters are competent to order measures by reason of Articles 8 and 9.

Article 11

The proceeds from measures concerning property according to Articles 8 and 9 can be used for welfare purposes, especially in favor of indigenous personnel working in Germany or their kin.

Article 12

This ordinance becomes valid on the day of publication.

The Military Commander
in Belgium and Northern France.

DOCUMENT BOOK II SCHNEIDER
SCHNEIDER Document No. 215
Exhibit No.....

Excerpts from the Book

INTERNATIONAL LAW DURING THE WORLD WAR

Third series of the work of

the Investigating Committee

By order of the Third Investigating Committee

aided by

Dr. Eugen FISCHER as Secretary General,

Dr. Bertold WIDMANN as Secretary of the Third Investigating
Committee

edited by

Dr. Johannes BELL, Member of the Reichstag
Chairman of the Third Investigating Committee

First Volume

Introduction/ tables, The Introduction of the Hague Rules for
Land Warfare at the German Army / The Destructions in Northern
France on account of the Retreat of the German Army in the
Years of 1917 and 1918/ The Deportation of inhabitants of
Alsace-Lorraine to France / The Compulsory Transfer of Belgian
Workers to Germany.

1927

Deutsche Verlagsgesellschaft fuer Politik
und Geschichte m.b.h. Berlin, W 8

DOCUMENT BOOK II SCHEIDER
SCHEIDER Document No.
Exhibit No.....

The Compulsory Transfer of
Belgian Workers to Germany

(page 2 of original)

Pages 193-198

.....

R E S O L U T I O N

adopted during the meeting of 2 July 1926.

I.

According to article 43 of the Hague Rules for Land Warfare the order issued on 28 October 1916 by the German Governor General in Belgium to the German military and civilian authorities subordinate to him, by virtue of which unemployed Belgian workers, who refused to accept work in Germany offered to them and who thus became a burden to public welfare were to be forcibly transferred to Germany in order to be occupied there, appears to be justified from the point of view of international law, if there was not sufficient opportunity for work in Belgium and if the measures taken for the restoration or guarantee of public order and safety in the occupied area was an urgent necessity. Articles 45 and 52 of the Rules for Land Warfare aimed at safeguarding the rights of the population in the occupied area are not contradicting this opinion either, since, in view of the history of these articles there is no doubt that military necessities have precedence over these rights and that the maintenance of public order and safety is a military necessity.

The question whether, with regard to the unemployment of 400,000 to 500,000 people within the area of the General Government

(page 3 of original)

of Belgium, as well as in view of the tense military situation on the Western front and the constantly decreasing occupation force in the General Government, the above mentioned actual conditions warranting the application of these measures had been existent, is a matter of opinion and, in consideration of the complexity of the pertaining military, the social and economic deliberations the committee is not in a position to take a stand with regard to this question; the other question whether the measure should not have been taken at all because of possible political considerations, was not up for the decision of the committee. In suggesting this measure the Prussian War Ministry and the Supreme Army Command were guided essentially by the desire to gain manpower for the German economy. Naturally this fact did not provide any justification for the issuance of that measure from the point of view of international law. Since the Reich Chancellor and the General Governor of Belgium the deciding authorities have died in the meantime, it cannot be established any more which influence this desire in connection with the above mentioned other motives had on their final attitude. Deliberating all these points of view the committee was not in a position to arrive at a final result considering this question; nevertheless the committee had no doubts that, according to the opinion of the German authorities in charge at that time the measure was permissible from the point of view of international law.

It must be stated, that in the criminal procedures, instituted by the Reich Supreme Court against

(page 1 of original)

General Field Marshal von HINDENBURG, because of his responsibility for the general order for deportations this measure was considered justified, whereas a verdict of the German-Belgian court of arbitration of 3 June 1924 defined the measure as being in violation of international law, without, however, emphasizing it or stating any reasons.

II

The charge raised against the German Government that intentionally or wilfully it caused unemployment in occupied Belgium by taking away raw materials and machines from the factories there and by preventing the employment of unemployed Belgians for public works, must be refuted and considered as being without any foundation. Apart from the fact that the German Government was most interested especially for military reasons in checking as much as possible unemployment in the occupied area, there is no doubt that the closing-down of the Belgian peace-time industry and the unemployment resulting from it were first of all a general consequence of the world war, but was especially increased through the blockade caused by our opponents which was in violation of international laws and resulted in a stoppage of the entire Belgian economy. This blockade went so far that in spite of the generous guarantees offered by Germany for the utilization

(page 5 of original)

of the finished and semi-finished products to be manufactured in Belgium, it was not possible to bring raw materials into the country, since the British Government absolutely rejected the proposals of the Belgian Comité Industriel.

The taking away of raw materials which occurred at the beginning of the war has nothing to do with the measure concerning the deportation of unemployed persons, because these raw materials had long been used up during the two years that had passed since Belgium was occupied. Only those machines and stocks from Belgian industry were taken away - at least up to the time when the deportations were finished - which had either been serving the manufacture of armaments and munition and could not be used any more because of the refusal of the workers to work for the enemy in this field or which, had to be shut down because of the lack of raw materials. The German order, finally, according to which Belgian mayors had to have the approval of German authorities if they wanted to occupy unemployed persons with public works, was issued, because the mayors had tried to withhold the workers from the German employment regulations by assigning them fake jobs or work not requiring their full time; in the interest of public order there was also need to prevent a financial bankruptcy of the communities which had to be expected from the many uneconomical enterprises of that sort.

(page 6 of original)

When the directives of the Governor General were carried out, hardships and mistakes occurred, because in violation of that directive also persons, who were not considered as unemployed workers were deported to Germany in considerable numbers. These mistakes are to be disapproved of since, in the case of such persons the prerequisites, provided for in international law, for any compulsory deportation to Germany were not given; they are all the more to be regretted since this anyway harsh measure, became aggravated because of the violation of international law. Apart from the fact, however, that the Belgian authorities trying to sabotage the German measures, shared the guilt with regard to these mistakes, the German Government cannot very well be considered responsible from the point of view of international law, since they neither directly caused these mistakes nor could it be proven that they were responsible for them through insufficient supervision; whenever they got knowledge of any abuses they immediately took the necessary steps in order to stop them.

IV

The charges raised against the German Government with regard to the mistreatment of Belgian workers during their transport and their stay in Germany, especially also in connection with their employment in services allegedly violating international law, evoke the following remarks:

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1. The treatment of Belgian workers during the transport and during their stay in the distribution camps, from the administrative point of view was handled according to the principles established for the treatment of prisoners of war; hardly anything can be said against this regulation from the point of view of international law. Unfortunately considerable disturbances and hardships resulted during the first transports and on account of the initially large concentration of the deported persons. In some concentration points, this was apparently due to inefficiency on the part of the agencies carrying out the deportation action, and especially to the fact that plans were not sufficiently worked out by the subordinate authorities. Another most regrettable factor is the unproportionally high mortality of the Belgian workers, which rose to 1.22 per cent during their stay in Germany. Whether this high mortality was partly caused through the said abuses cannot be established by the committee. At any rate, the government stopped the abuses as soon as it learned about them; it must also be taken into consideration that the cases of death have to be explained for the most part through the epidemics of malignant colds which were spread in Germany at that time, and which at that time decimated the German population at approximately the same ratio.

(page 8 of original)

With regard to the employment of Belgian workers in services supposedly violating the regulations of international law, the German Government had ordered expressly that the compulsory occupation of workers was not to be exclusively for war work, i.e. they should not be directly employed in the manufacture of munition. The mere fact, however, that the employment of Belgian workers in our industry freed German industrial workers for war purposes, cannot classify their occupation as participation in war operations which is forbidden by international law.

V.

The charge raised against the German Government that it did not keep the promises of the Governor of Antwerp which the latter gave to the Belgians returned from the Netherlands, does not seem to be justified. On the one hand these assurances were given under the condition that refugees be allowed to return if they would have the necessary means for their support and, on the other hand, they contained only promise that the returned persons would not be reported to Germany for induction into the Army. Nevertheless, the German Government

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upon request of the government of the Netherlands, returned to their native country the Belgians who had fled to the Netherlands and were later on sent to Germany and thus it fulfilled its obligations in a more than loyal manner.

The declaration of the Governor of Antwerp, according to which young people were not to be recruited for the army, nor were to be deported to Germany for the performance of compulsory labor there, as well as the declaration of the General Governor of Belgium that the liberty of Belgian citizen be respected, was only directed toward the treatment of able bodied Belgians as such and only meant that those persons were not to be restricted in their liberty, just because they were capable of bearing arms. On the other hand neither of these declarations could be interpreted in the way that no measures would ever be taken in the future for other reasons, necessitated, for instance through the dangers of unemployment.

VI

The Committee considers it most necessary that the whole chapter of internment and of possible deportation of civilians during the war should be made the subject of new fundamental regulations based on the principles of international law and that moral and humanitarian considerations, which usually speak against such harsh measures adopted during the World War by both sides, should be given due consideration.

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Minority Resolution

Motion by the delegates Dr. LEVI and al.

- 1.) The deportation (forced abduction) of Belgian inhabitants to Germany was, among other things, mainly effected for the benefit of the German war efforts, especially for the armament programs drawn up in fall 1916. Some of the Belgians, forcibly transported were to contribute directly to the industry, and some were to free persons for active service in the war.
- 2.) The forced abduction was effected solely for military reasons, and not for reasons of maintaining public order and safety in Belgium.
- 3.) The deportation was effected mainly upon urgent requests of the Supreme Command of the Army and of industrial circles supporting it. It was instigated by the Supreme Command of the Army although they risked a violation of international law. It was carried out by the General Governor of Belgium and was recommended by the Foreign Office, although they knew it was unlawful.
- 4.) The transportation was carried out with a harshness not even justified by the purpose to be served of this measure. It was carried through, without giving the deported persons a chance to take leave from home or to supply themselves with the most necessary items; it was done during winter time, in unheated freight cars, and no provisions had been taken for their accommodation.

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Numerous cases of death and illness were probably caused by the faulty execution of this measure.

Answer to the Minority Resolution.

Motion by the delegate Dr. SCHRECKENG, adopted in the meeting of 2 July 1926.

The resolution introduced by the delegate Dr. LEVI and al. with regard to the compulsory deportation of Belgian workers takes as a starting point the fact that the measure had been taken for military reasons only, and not for reasons of maintaining public order and safety. In this connection it is emphasized that the Foreign Office recommended this measure although it was fully aware of its unlawfulness and that the General Governor carried it through in full knowledge of the same fact.

With regard to these facts the committee states that it did not overlook by any means the passages in the files quoted by the delegate Dr. LEVI, but that they do not cause any change in the resolution adopted.

In addition to this the committee considers it necessary, to oppose especially and with the greatest of emphasis the claim that the Foreign Office and the General Governor of Belgian recommended these measures in full knowledge of their unlawfulness. This

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claim is incorrect. It has been established that the Governor General of Belgium and the Foreign Office considered these measures as in keeping with international law and that nevertheless the Foreign Office advised against it until the last moment, for reasons of foreign politics.

For this reason the committee rejects the minority resolution introduced by the delegates Dr. LEVI and al. since it is not justified from either the factual or legal point of view, and it maintains the adopted resolution in all its points.....

Excerpt from

B

Expert Opinion

by the expert, Irénée Schneider Rat

Dr. KRISKE

The compulsory Deportation of Belgian
Workers to Germany.

(Statements concerning the text and the range of validity of the Hague Rules for Land Warfare and quotations from same follow)

Page 219

II. Evaluation of the Facts

from the Point of View of International Law.

- 1.) The question of the permissibility of compulsory deportation.
 - a) The pertinent regulations of international law.....
 - *****

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Pages 220-225

.....

According to article 43 the commander in the occupied area has the right and the obligation to take all the measures in his power to "restore, and ensure public order and safety". His measures are restricted through the regulation that "unless absolutely prevented" he is to respect the laws in force in the country. Such prevention with regard to respecting the laws in force in the country would occur if conditions in the occupied area should call for action on the part of the occupying power to restore and ensure public order and safety, but if this goal cannot be achieved through measures which are in keeping with the laws in force in the country.

This right vested in the commander according to article 43 doubtlessly includes the right to combat unemployment, if it takes form endangering public order and safety. In such a case, compulsory assignment of unemployed persons to work is permissible if there are no other ways to check unemployment effectually, even if the laws of the country have no provisions for such situations or even if it means a violation of these laws. Finally, on the basis of article 43, the commander has the right to use unemployed persons even outside of their home town, even outside of the occupied

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territory, i.e. for instance, in the territory of the occupying power, if no sufficient work can be provided for them in their home town or in the occupied area. There is no indication in the text of article 43 that these measures are restricted to the occupied area; the only prerequisite for their permissibility is that they are issued in the interest of the occupied territory and are objectively suited to serve such interests.

Another question is, however, whether the right of the occupying power resulting from article 43 was not supposed to be restricted through the following regulations of the Rules of Land Warfare which are destined to safeguard the rights of the population in the occupied area; this refers especially to article 46, guaranteeing to the population the so-called basic rights - family honor and rights, the lives of persons, and private property, as well as religious convictions and practice - as well as article 52, regulating the right to demand requisitions in the occupied area and restricting them to the needs of the army of occupation. With regard to the situation it seems out of the question that in a given case these or other rights of the population could prevent the occupying power from restoring or ensuring public order and safety in the occupied area. The protection of such public interests

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is of such decisive importance for the occupying power for reasons of military security as well as for reasons of the general welfare in the occupied area, that the otherwise protected private interests of the population will have to take second place. For this reasons article 43 must have precedence over the following articles, at any time and the latter must not contain exceptions of the rules contained in said article. This purpose of the Rules for Land Warfare also results from the fact that article 43 expressly allocates the right to the occupying power to disregard the laws in force in the country, also those concerning the protection of persons and property, if such is necessary in the interest of restoring and ensuring public order and safety. This interpretation of article 43 is finally confirmed if one studies the history of articles 46 and 52, which clearly proves that military necessities are to have precedence over the rights of the population listed there; there can be no doubt that restoring and ensuring public order and safety in an occupied territory is a military necessity.

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b) The Application of the Regulations to the
compulsory Deportation of the Belgian Workers.

According to the description stated in the account of facts, with regard to the conditions of the workers as they developed in Belgium during the time of the German occupation, there can be no doubt that stern measures had to be taken in order to combat efficiently the evil of unemployment which had become a great nuisance for the entire country. It seems to be clearly understandable that the many thousands of unoccupied healthy men who were loafing in the streets and squares of the Belgian communities constituted a serious danger to the public order and safety of the entire country from the point of view of social conditions as well as of military policies. No government would tolerate such conditions in the interior of its country in peace time, without fighting it with all means at its disposal. Much the more this had to be done in a country, which because of the war was in an especially difficult position, psychologically as well as morally and the conditions of which were of utmost importance also for the troops fighting in front of that occupied area.

The opponents maintain that the reason for the compulsory deportation of Belgian workers to German

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as stated by the Germans, namely the fight against unemployment was only a pretext, whereas in reality Belgian manpower was used for German interests in violation of international law. In order to substantiate this claim they maintain that on the one hand Germany itself created unemployment in Belgium by taking away machines from factories there as well as by preventing unemployed Belgians from working, and that on the other hand there was a great demand in Germany for foreign manpower in order to free her own workers for active war service.

If the opponents were right in their claims the attitude of the German government would, indeed be in violation of international law. On the one hand, the infringement upon the personal freedom which cannot be avoided in the practical execution of the compulsory deportation is already a violation of the regulations of article 46; although this article does not expressly list personal liberty among the inalienable basic rights of the population, it is generally accepted that this is also included in those rights. Furthermore the forced employment of the deported workers in services for the German economy is in violation of article 52.

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These regulations provide for certain limitations in favor of the population as far as exercising the right to make requisitions in kind and services in the occupied area is concerned, especially to the effect that these requisitions shall be made only for the needs of the army of occupation, and that e.g. no demands may be made for economic requirements of the home and of the army of occupation; there is no doubt that the occupation of unemployed persons from the occupied area in the home industry of the occupying power does not constitute service for the needs of the army of occupation. Although, as has been stated above, articles 46 and 52 are not to be applied if the conditions for the application of article 43 are given, the German Government would nevertheless not be able to refer to this article if it caused itself the prerequisites for the application of that article.

The charge of the opponent that the German Government by its measures caused, intentionally or by its own fault, the unemployment in Belgium must be considered without any justification on the basis of the facts stated under I.4.b) aa) (page 215 and following.) Further proof that it had no plans whatsoever in this direction is also the fact that, especially for military reasons it was greatly interested in checking, as much as possible unemployment in the occupied areas, and

(page 19 of original)

that, on the other hand it issued several measures in this respect so that, e.g. the Belgian coal mining industry occupied more people than during peace time. It is correct that these industries in Belgium which used to work largely for export, were almost completely without work since the beginning of the war; that the mining enterprises too, had stopped working, insofar as they had not resumed work for account of the German Government. This fact, can, however, not be charged against Germany. It was rather a general consequence of the war, which, by reason of its normal conditions constitutes a serious disturbance of commerce and transportation; the special cause for it was, however, the blockade carried through by the Allies in violation of international law against Germany and her allies including the territory occupied by Germany which caused a stoppage of the entire economic life; any export of Belgian products and any import of raw materials for the Belgian industry and Belgian coal mining was thus made impossible.

It cannot be denied that the employment of Belgian workers in German industries also benefited the German economy and thus served their interest. In view of the various interests of a political, military and economic nature it was quite obvious that this point.

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of view was discussed by the authorities involved or was even given primary importance. Such deliberations have, however, no effect on the permissibility, from the point of view of international law, of compulsory deportations in as much as these were justified according to article 43 of the Rules for Land Warfare; for a measure of war taken in accordance with international law can, of course, not be considered as violating international law, just because the warring party would derive benefits from it which, in themselves would not justify such measures. In our case there is no doubt that the responsible authorities, i.e. the Reich Chancellor, who was responsible for the political side, and the Governor General of Belgium, who was responsible for the military and administrative side of the matter concerned considered the conditions of article 43 as existent and, in view of the afore-mentioned statements with full justification, and thereupon made their decisions.

The Reich Supreme Court also recognized that the afore-mentioned legal point of view is in accordance with existing international law and that court can well be considered as an objective and non-partisan supreme legal institution. As evident from enclosure 17, No.97 the Reich Supreme Court in the procedure instituted against General Field Marshal, at present Reich President von HINDEMBURG, because of his responsibility for the general order for deportations.

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decided that the procedures should be stopped because the deportations and the employment for work of the deported persons were permitted under articles 43 and 52 of the Hague Rules for Land Warfare and thus it expressly established the legality of the German measures. If, in contradiction to that the German-Belgian arbitration court, in its verdict in the case of LOHIAUX against the German Reich of 4 June 1924 (Recueil de decisions des Tribunaux-Arbitraux Mixtes, January-March 1925, page 674) defined, among other things, the compulsory deportation as a violation of international law, no importance should be attributed to this statement since it had no bearing on the decision nor was it motivated in any way.

2. The Carrying Through of the Compulsory Measures
As Ordered.....

Pages 228-229

.....

c) The employment of Belgian workers for services supposedly in violation of international law. In the character of services to which the Belgian workers deported to Germany were forcibly assigned the Belgian Government sees a violation of international law.

(page 22 of original)

Article 43 of the Hague Rule for Land Warfare which constitutes the basis of international law for the compulsory deportation of the Belgian workers, contains no limitation of the "measures" provided there. Nevertheless it must be readily assumed that the general principle of international law as established in article 23, paragraph 2 (compare also article 44 of the old version) and article 52, paragraph 1, second sentence of the Rules for Land Warfare, according to which the inhabitants of enemy country must not be obligated to take part in military operations against their own country must also be observed when the conditions calling for the application of article 43 are given. There have been different opinions as to range of interpretation of the concept "military operations". Some authors of international law, especially the Englishman OPPENHEIM (International Law 1921, volume 2, page 23a-24a) makes a difference between military operations and military preparations and maintains that the forced employment of inhabitants of enemy countries for military preparations, which, according to OPPENHEIM would, e.g. include the construction of military roads and fortifications behind the front, is permitted on the basis of the Rules for Land Warfare. According to this point of view there would hardly have been any restrictions against the use of the deported Belgian workers in Germany, since military operations in the afore-mentioned narrower sense were out of the question.

The German Government, incidentally

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did not adopt this broad interpretation of military operations, it rather ordered expressly that the forced employment of Belgian workers in Germany was not to have an exclusively military character, and was especially not to consist in direct employment for munition work - which employment, according to OPPENHEIM's theories would have been doubtlessly permissible as work for military preparations only. Under no circumstances, however, can the occupation of Belgian workers in German industry be considered as a violation of international law as stated by the Belgians because in this way German industrial workers were freed for military purposes. Even if this had been the consequence of their employment in Germany, this indirect effect cannot turn their activities into participation in military operations or preparations; otherwise any service rendered to the enemy army or the enemy economy would have to be considered as participation in military operations, whereas article 52, paragraph 1 expressly exempts military operations from the permitted services for the army of occupation and apparently considers only operations with direct military effect as such military operations.

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Enclosure 13

Page 263-264

Letter of the Ambassador of the United States of America to the
State Secretary at the Foreign Office, in which he asks for
permission to open the concentration camps and places of work
of the Belgian deported persons for inspection through the
commissioners of the Embassy.

Embassy of the United States of America.

Berlin - Germany.

January 9. 1917.

Your Excellency.

As a result of the informal interview which Mr. GREG had with
the Imperial Chancellor on November 22nd, the Chancellor, through
his Adjutant, Count ZECH, communicated to Mr. GREG replies regarding
various points of amelioration in the carrying out of the measures
of imprisonment and deportation of Belgian workmen which had
been informally suggested as a concession to Belgian national
feeling and foreign opinion.

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These replies were as follows:

1. According to the original edict, only actual unemployed are to be deported, after careful selection.
2. Married men and fathers of families, when actually unemployed, cannot be exempted in principle, but each case will be examined on its own merits.
3. Employees of the Comité National, being regarded as actually employed, are exempt from deportation.
4. Deported persons are permitted to correspond with their families in Belgium.

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5. Belgian authorities cannot be exempted from the requirement that they furnish lists of unemployed, as such lists would otherwise be incomplete and liable to error. Orders have been given for the release of the one Belgian official who was imprisoned for refusing to submit such lists.
6. Concentration Camps and places of work of deported persons will in principle be open to inspection by Spanish diplomatic representatives. American inspections might also be informally arranged if desired.

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In view of the statement contained in Paragraph 6, I am directed by my Government to endeavor to arrange inspection of such concentration camps and places of work by American representatives and I beg Your Excellency to be good enough to inform me whether such inspections may be carried out by the officials attached to this Embassy for the purpose of inspecting prison camps in Germany.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

James W. GURAND.

Via Excellency.

Mr. ZIMMERMANN.

Imperial Secretary of State
for Foreign Affairs.

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..... Enclosure 17

Excerpt from the Belgian part of the Extradition List
and the Decisions of the Reich Supreme Court.

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Page 282

.....

97 Hindenburg Field Marshal Responsible for Procedures were
(von) Chief of the the general stopped upon
German Great order for de- resolution of 9
General Staff portations (3 October because the deporta-
1915) tion and the em-
ployment for work
of the deported
persons was per-
missible according
to article 43,52
of the Hague Rules
for Land Warfare
and because there
is no indication
that the defendant
has committed any
acts not per-
missible under
international or
criminal law.

.....

The literal and correct copy of the above document is
certified.

Nuernberg, 2 February 1948.

signed: Dr. Helmut DIX

Counsel for the Defense

AFFIDAVIT.

I, Dr. Ulrich H. PAULHAGEN, Ratingen, Friedrichstrasse 41, realize that I will render myself liable to punishment if I make a false statement under oath. I declare under oath that my statement represents the truth and was made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Duernberg.

In 1937 I was commissioned as local assistant by the management of the Economic Group Iron-Producing Industry, Berlin, to assist in working out legal and taxation matters and the problems connected with them. I took over this task in addition to my own private practice as an attorney.

At the end 1941, following my final admission to the bar, which had occurred in the meantime, I became business manager of the newly founded District Group Central Germany of the Economic Group Iron-Producing Industry.

I was engaged in the activity described above throughout the war, with certain interruptions which were caused by various periods of military service. At the beginning of the war I was called up for active military service, from which I was later released as indispensable. On 1.10.1941 I was again assigned to an active unit until the end of the war. In between, namely in 1941 and 1942, I was conscripted for military service in Russia.

This conscription occurred during the first days of June 1941 and came to me as a complete surprise. It snatched me out of an indispensable position in industry which was generally considered permanent. As I learned later, this was done in connection with a fairly large conscription operation. At that time induction orders were sent to a number of men from the most widely different industrial plants, associations and organizations. The orders read unanimously for

(Page 2 of original)

"special service with Armament Inspectorate III, Berlin". After being provided with army uniforms the majority of the men were appointed Specialists (Sonderführer), a smaller part, among them I myself, were appointed Military Administrative Councillors (Kriegsverwaltungs-räte). As it appeared later, the larger part of the inductions were ordered at the suggestion of Dr. Fritz von BRUCK, who at that time was the Berlin representative of ROSSUM A.G. The draftees were divided up into groups and assigned to special inspectorates. I went to Economic Inspectorate Baden. This was, as likewise appeared later, the code name for "Economic Inspectorate South" (Ukraine).

On about 16.6.1941 we draftees were called together. Here, material compiled about the individual industrial branches in the Soviet Union, particularly in the Ukraine, was distributed among us by the Economic Armament Office of the OKW. At the same time it was emphasized that we were now on military service and the duty of observing strict secrecy was imposed on us under pain of severe penalties — which might even be inflicted on our industrial employers. As I ascertained at that time, the other draftees, with one or two exceptions, were just as little informed about the planned project as I myself. In the first place, the firm managements, some of whom had lost very important assistants through this sudden induction, were not correctly informed. In pursuance of this assignment, after the beginning of the Russian war and after the occupation of the Ukraine by the German troops, I went as an expert on administrative matters to the Iron and Steel Group within the Department for Industrial Economy of the Economic Inspectorate South, which was located first at Lemberg, later in Dnjepropetrowsk. The Group was responsible for preparing the resumption of operations in the destroyed Russian steel and rolling mills. I myself was not permanently in Dnjepropetrowsk, but only made a few trips in the course of my military duties as Military Administrative Councillor to the Ukraine, this being from July to September and October to December 1941.

(Page 3 of original)

and in the summer of 1942.

I shall make the following remarks about my travel report of the end of Oct. 1941, which has now been laid before me (Doc. VI 525, Exh. 526; German Doc. Book VII, page 90):

- 1) I did not compile this report in my capacity as representative of the Economic Group Iron-Producing Industry. I have already described how my service in the Ukraine had nothing to do with the Economic Group Iron-Producing Industry, but rather was a purely military measure. However, I did not write the report, in my official capacity as Military Administrative Councillor, either. In particular, from no quarter did I receive an official request to make a statement on the conditions in the Ukraine. On the contrary, the report is of a purely private nature. It contains notes resembling those in a diary, which were intended to serve as an aid to my memory. Accordingly, I sent it to my father and several friends and relatives for their information, in order to tell them about my experiences. Among others, I also sent the report to my chief, Dr. REICHERT, who had been a close personal friend of mine for years. In so far as I know, Dr. REICHERT, too, always regarded the report merely as the private literary composition of a former colleague and only passed it on as such to his close acquaintances.
- 2) If there is any mention in the report of German guards having shot prisoners of war who could not keep up on the march, then this is to be traced back to the fact that during my trip I repeatedly saw naked corpses -- there must have been from 30 to 40 cases in all -- during the retreat of the endless columns of prisoners. To my questions the guards explained that these dead bodies had been plundered right down to the shirt by their Russian compatriots, so that the latter could equip themselves with their clothing.

(Page 4 of original)

According to what the guards told me, the dead men were prisoners of war who had to be rendered harmless for failing to observe discipline, or for straggling behind the transport, because the guerrilla tactics of the Soviet soldiers being what they were, they could not be left in the rear of the fighting and marching units. As I was told at the time, Soviet soldiers who were left behind were apt to arm themselves with any weapons lying around, such as machine guns, hand grenades, etc. in order to wage partisan warfare. Therefore, they also represented a constant danger to the escort units. In this connection it is to be kept in mind that there was only one German guard to about 1000 Russian prisoners of war, and that moreover he was usually sick and had been sent back by the unit to the field hospital as a guard for prisoners. According to these conditions as they described them, therefore, the escort detachments regarded the killing (Unschadlichmachung) of straggling prisoners as an act of self-defense.

3) Furthermore, there is a reference in the report to cannibalism, which was also described to me by the guards. Here one must keep in mind that a quantity of human beings numbering hundreds of thousands had been brought together in the narrowest possible space; even the most conscientious army command could not be in a position to guarantee the subsistence of masses of men falling unexpectedly into their hands like this. For these reasons it happened that the prisoners of war in the so-called transient camps often got only very little to eat for days at a time. It is probably only for these reasons that the regrettable cases of cannibalism occurred. From my personal observation I know that even in the American POW Camp 404 in Marseilles, to which I was sent in April 1945 as a captured German soldier, many prisoners died from exhaustion, while many others became so weakened physically that later it was necessary to nourish them very carefully for weeks in order to make the men at all fit for work again. At that time there were about 180,000 prisoners of war in this camp.

(Page 5 of original)

After our arrival, for about 4-5 days, we did not once receive the daily ration of two potatoes mentioned in my report as given to the Russian prisoners of war. I myself saw how my comrades devoured raw angleworms out of hunger and would certainly have done so myself if I had only found one of them. At that time, on the basis of my Russian experiences, I tried to make clear to my comrades that this kind of treatment was not due to any deliberate intention on the part of the camp leaders or the American army command. For even the best fed army cannot guarantee to feed hundreds of thousands of prisoners of war without difficulty who were in as a complete surprise.

4) I had no relations whatsoever with the Berg- und Huettenwerkgesellschaft Ost u. B. (B.H.O.) mentioned in my report. I was not working for their account then for the Economic Group Iron-Producing Industry. My only contact with this company consisted of the purely business visit described by me to the Main Group South of this company in Krivoy Rog. I rejected an offer to transfer to the service of the BHO, which was made to me by Chief Military Administrative Councillor Dr. Fritz von BUNCK, who together with his work at the Economic Inspectorate South was also head of the Main Group South of BHO.

5) In order to clear up any misunderstandings I should like to point out that the dismantling of the Ukrainian steel and rolling mills described in my report had been carried out by the Russians. The dismantling was done so thoroughly that the plants could not be brought into operation again without extensive support from abroad, that is, from the Germans. The indigenous workers in the iron and steel industry and the mines who had not been taken away by the Russians would, accordingly, have had no possibility of employment in their

(Page 5 of original)

previous lines of work if industry had not been built up again
with German assistance.

Essen, 22 June 1947

signed: Dr. Ulrich E. FAULHABER

The above signature of Dr. Ulrich E. FAULHABER, residing in
Ratingen, Friedrichstr. 41, executed before Dr. Wolfgang POHL,
attorney-at-law, is hereby certified and witnessed by me.

Essen, 22 June 1947

signed: Dr. Wolfgang POHL

Extract from the transcripts of the
Military Tribunal II, Nuremberg, in the
matter of the United States of America versus
Erhard MILCH of February 19 1947

Page 1446

DR. BERGOLD: May it please the Tribunal, may I call the witness

Constantin von KEURATH:

JUDGE MUSMANO: The witness will be brought in.

JUDGE MUSMANO: You will please raise your right hand

(The witness does, as directed.)

JUDGE MUSMANO: Do you swear by God, to tell the truth,
the whole truth and nothing but the truth, all of which
you will answer to on the Last Great Day?

THE WITNESS: Yes, I do.

CONSTANTIN von KEURATH, thereupon testified as follows:

DIRECT EXAMINATION

BY DR. BERGOLD:

Q.: Will you please proceed to state your first name and your second
name?

A.: Constantin von KEURATH.

Q.: When were you born?

A.: 2nd of February, 1871.

Q.: What was your last position in the German Reich?

A.: I was a Reich Minister.

(Page 2 of original)

BY DR. BERGOLD: Witness, I have only a few questions to put to you:

Q.: In what position were you, as of May 1918 until about 1925?

A.: In 1919 (pause) in February of 1919, I rejoined the Diplomatic Services, and was at first in that position in Copenhagen; after that, from 1921 on, I was Ambassador in Rome.

Q.: Witness, do you know that the Soviet Government did not recognize the treaties which the Czarist Government had concluded with European and other countries?

A.: I know that in 1918 or early in 1919, the then Soviet representative in Berlin called at the German Foreign Office and said that the Soviet Government would not recognize any treaties concluded by the Czarist government.

Q.: Was there also among these treaties, also the one known as the Hague Conventions on Land Warfare?

A.: Oh, yes. The Hague Convention for Land Warfare was also signed by the Czarist government, but the Soviet Government repudiated it.

Q.: Was the Geneva, the revised Geneva Convention of 1929, also one of the conventions mentioned?

A.: That was the Convention passed before the — the Geneva Convention of 1929.

BY DR. BERGOLD: Yes, please, continue alone. (Pause) Just a minute.

One more question, sir.

(Page 3 of original)

Q.: It is known to you that the revised Geneva Convention of 1929 was not signed by Russia ?

A.: Yes, that is known to me.

DR. BERGOLD: May it please the Tribunal, I have no further questions to the witness.

CROSS EXAMINATION

BY MR. HENNEY:

Q.: Witness, you said it was in 1918 or 1919 that a representative of the then Russian Government called at the Foreign Office in Berlin and stated that the Russian Government as it existed at that time did not recognize any treaties which had been entered into by the Government under the ROMANOV'S ?

A.: Yes.

Q.: Were you there at the time he made this statement ?

A.: No, I wasn't present at the time but it was told to me afterwards in my official capacity of a diplomatic representative of the Reich.

Q.: You were in Denmark at that time, weren't you ?

A.: Yes.

Q.: And from there you went to England ?

A.: Yes, but only in 1930

Q.: Was this announcement by the Russian representative of which you have spoken made in other capitals at that time ?

A.: As far as I know, yes.

Q.: He made it all over the world ?

A.: Yes, in any case it was generally known.

Q.: I asked you before whether or not you know about the treaties of non-aggression and the amendments to these treaties which were concluded between

(Page 4 of original)

RIBBENTROP and MOLOTOV prior to the time that Germany declared war on Russia in 1941?

A.: It was known to me that in August 1939 a treaty had been concluded; that is, the non-aggression pact.

Q.: Did you know the contents of the treaty?

A.: No.

Q.: Did you know about any subsequent amendments to the treaty?

A.: No.

Q.: Where did you first learn the contents of the non-aggression pact?

A.: Only here in the trial, here in this trial.

Q.: That is, during the first trial before the —

A.: Yes, in that trial in which I was sentenced.

Q.: The trial before the International Military Tribunal here in Nurnberg?

A.: Yes, quite.

Q.: Did you ever know that the question of treatment of Soviet prisoners of war was passed on by the local authorities in the Wehrmacht?

A.: No, I had no connection with that and I haven't heard anything about it.

Q.: So you don't know whether or not an opinion was ever asked of them as to what would be proper and what be improper so far as the conduct of the German military forces was concerned with reference to Russian prisoners of war.

A.: No, I cannot give you any information on that point.

(Page 5 of original)

Q.: So far as you know the question was never raised ?

A.: No, not as far as I am concerned.

MR. DENNEY: No further questions.

MR. BERGOLD: I have no further questions either.

JUDGE MUSMAYNO: The witness may be excused. I suggest that he
not be returned directly to the prison, but be
held outside the courtroom.

Ex tract

from

War Diary of the Naval War Command 1941

(NTHS EML Part C Vol. VIII 1941)

17.7.41

The notification of the German hospital ships "Stuttgart", "Berlin", "Muenchen" and "Strasbourg" was declined by the Soviet Government with the following memorandum:

"After it has been established that the German Government, in systematically violating international agreements, in treacherable manner, it cannot be assumed that the Hague Convention will be respected by the German Government. In consideration of the fact that the Soviet Government has already protested against the shelling of Soviet hospitals by the German Army in violation of elementary rules of the international law, the Soviet Government has every reason to believe that the German Government will not respect the Hague Convention and that hospital ships are used by it for military purposes. Based on all the above mentioned facts, the Soviet Government cannot give her consent that the rules provided for in the Hague Convention are applied to the ships concerned."

The Soviet Government hereby announces that it cannot recognize and respect the German hospital ships as being of such class according to the Hague Convention.

First Copy

Document Roll No. 337 for 1947

Done at Duesseldorf-Kaiserswerth, at the Notary's office, Klemensplatz No. 5, on 20 November 1947.

Before the undersigned, Hans WINE, Notary for the District of the Duesseldorf Court of Appeal, there appeared to-day at his office at Duesseldorf-Kaiserswerth, Fraulein Waltraud CROST, actress, Duesseldorf, Kaiserswertherstrasse 70, who is personally known to the undersigned. Having been cautioned by the notary about the significance of an affidavit, she made the following declaration:

I declare that my affidavit is correct and true.

Report

For the theater season of 1943 to 1944 I had signed a contract to appear at the German Landestheater Hermannstadt in Rumania. There and also while on tour in German speaking districts, I played exclusively before German audiences. In spite of this, soon after the 23 August, the date when Rumania left Germany in the lurch, I as a German citizen, together with my ethnic German fellow-sufferers, had to go to the Targu-Jiu Internment Camp, not far from Bucharest. One day, it was the fateful 13 January, after about 5 months' interment under inhuman conditions (such as being behind barbed wire, in vermin-infested, shed-like structures each holding approximately 180 people, we, i.e. all younger persons between the ages of 18 and 30, were informed that we would all be transferred to a munition factory near Ploesti. At the station we were immediately received by a Russian escort instead of a Rumanian one as we had expected. This escort loaded and locked us into cattle trucks and we soon knew what was waiting for us.

(page 2 of original)

Of course we never touched Ploesti, we just passed Bucarest and then we made a straight course for Jassy, via ^{At} Braila. /Jassy we were crowded into immense pullman-coaches, 90 people to a coach, and we continued our journey on large gauge railroad lines. Whereas the food had been passable while we were on Rumania territory, on Russian soil we received only small pieces of bread or some gruel perhaps every two or three days. Only twice during the whole journey, lasting exactly 14 days, we were allowed to leave the coaches. I was so weak that I could not keep myself up and I always fell over when I wanted to stretch my legs a little. The next day after we had passed Dnjepetrovsk, we were unloaded in a depressing and arid district and we learned that we had been deported to the ill-famed Donetz Basin, Russia's largest coal-mining district where only criminals had been taken up to then.

Next day, a part of us, among them I and a few other Reich German and ethnic German fellow-sufferers, males and females were taken to an even more remote pit area and after two weeks we came into the mine, partly for work on the surface and partly underground.

The Winter of 1945 was particularly cold. Occasional snowstorms blew across our tents, temperatures fell to approximately 27° Celsius and, in this weather we had to start our eighth hours of night shift. No allowances were made for the fact that we women were not used to heavy manual labor. By super-human efforts we had to move 80 to 100 cars and to unload them with shovels and level the coal, all this in terrible haste, always under the supervision of guards and slave-drivers. On so-called Stachanov-days, which came around very frequently we had to double our output. The cars were loaded with 5cwt. each and derailed frequently. Among punches and blows we had to lift them onto the rails again.

(page 3 of original)

But apart from the shovelling of coal, we frequently had to handle stones. We had to unload the stones from the car one by one each one a large square block. Furthermore, as a "sideline" we were regularly sent to the timber-yard where irrespective of our strength, heave tree-trunks, or at least heavy wet wooden planks ^{or} iron rails were placed onto our weak shoulders. I also worked in a pit where coal had to be shovelled to a height of more than 3 metres because it had not been collected for weeks on end and had accumulated there. At another pithead, we had to walk around in circles in all weathers and for 8 hours a day to keep in motion a wooden cross, the so-called Gospel, onto which the cages were fastened. Many a time ^{up} were wet to the skin by exposure to snow, rain and hail; but we were not allowed to take shelter nor to warm our chilled limbs, we had to work until the last minute of our shift. Next day we had to dress again in our wet clothes, for there were no sanitary installations whatsoever, no drying rooms etc. The billets defied all descriptions. We existed in wretched shacks half-way under ground and completely vermin-infested. In the beginning we had only wooden planks, no straw mattresses, no blankets. All those who had none, were just left without. The walls of these "palaces" consisted of a mixture of horse dung and mud, small wonder that we could not rid ourselves of vermin in particular of the bugs, thus missing our well-deserved sleep. In general, we hardly ever got our sleep. On top of the 8 hours of work in snow and ice, we were frequently tortured by additional work in the camp, such as digging, barracks repair, laying of barbed wire etc. work which took up at least another 4 to 6 hours. Or, returning dead-tired and frozen from our work we had to put up with endless baggage checks, during which we were robbed of all our possessions. All this we had to suffer on a diet of 3 daily helpings of warm water so-called soup.

(page 4 of original)

in which rotten cabbage leaves, green tomatoes or cucumbers were floating. These conditions forced us during the first year to sell or exchange some of our private belongings which we had succeeded in hiding before the check. But this was strictly forbidden. If anyone was caught, he was ill-treated. I myself was nearly beaten and kicked to death for such a thing. A former officer of the Red Army systematically kicked me with his heavy boots into the kidneys and the abdomen, so that I was unable to move for weeks.

During the third winter, the camp management had the devilish idea to ask for payment for these warm soups. But since we received little or no money and always somehow managed to make debts, we had no choice but to sell more than half of our bread ration. (Very frequently it also happened that the bread-truck did not turn up for days, but we were nevertheless chased to work) Soon after, our health declined rapidly, many became ill and died of debility, hunger and weakness. At the eleventh hour I came to Group IV, the group of those, totally incapable for work and in May of that year I was sent home due to malnutrition and dropsy. At this moment, I am still in hospital suffering from these complaints.

The above statement has been read to and approved by the affiant and has been signed by her and the Notary in their own hand.

Signed: Valtreud CROST

A correct and true copy.

Signed: VIRZ

This copy has been given to Dr. Helmut DIZ,
Munich, Frommannstrasse 17.

Düsseldorf-Kaiserwerth, 30 November 1947

Signed: VIRZ
Notary.

DOCUMENT BOOK II SCHNEIDER
SCHNEIDER Document No. 10
Exh.No.....

I, Dr. Hellmuth DIX, at present Defense Counsel at the
American Military Tribunal, confirm herewith that the
enclosed copy corresponds to ECKHART Exhibit No. 8 of
Document Book No. I for the defendant GILLO ECKHART
(Case V).

Muenberg, 4 December 1947

(Signed) Dr. HELLMUTH DIX

Order No. 2

Oels, 12 February 1945

The entire male population, Germans and German Nationals, will be mobilized for Labor-service by orders of the Frontline High Command.

Following orders are issued by me in regard to this:

1. The entire male population, Germans and German Nationals, 17 to 50 years of age, have to report within 48 hours after this order has been published to the draft-board of the City of Oels, Palast Theatre, Oelauerstrasse for registration and simultaneous dispatch to work.

2. Aside from their personal papers all mobilized will have to bring along the following items:

A complete set of Winter-clothing and shoes, at least 2 sets of underwear, bedding (blanket, sheet, palliases and pillow) personal necessities (cooking utensils, cutlery etc.) as well as food for at least 10 - 15 days.

3. Subject to report for duty at the draft-board are all Germans and German Nationals of male sex of the age-group mentioned. In case of non-observance of this order and non-appearance on time, the guilty parties will be called to account and Court-martialed.

The Local Commander

Excerpt from
"Die Neue Zeitung"
dated 21 March.

SECRET PROTOCOL ON REPARATIONS.

Russia published outdated Yalta-Protocol.
London, 20 March (Comm/Reuter)

As reported by a Reuter correspondent from Moscow, Soviet Foreign Minister Viacheslav M. MOLOTOV published on 17 March at the Foreign Ministers' Conference the text of the secret protocol which had been drafted by the three Great Powers at the Yalta Conference in February 1945 constituting the first agreement by the Great Powers regarding reparations to be made by Germany. The authenticity of the published text has been verified on 18 March by a speaker of the British Foreign Office. No American confirmation is to hand as far. According to an A.P. report the text is as follows:

Protocol on the talk between the heads of the three Governments at the Crimea conference on the question of German reparations. The heads of the three Governments agreed as follows:

- 1) Germany must pay in kind for losses caused by her or her allies to the Allied Nations during the course of the war. Reparations are to be received in the first instance by those countries which have borne the main burden of the war and have made organized preparation for victory over the enemy.
- 2) Reparations are to be exacted from Germany in the three following forms:

(page 3 of original)

The above Soviet-American proposal has been passed to the Moscow reparations commission as one of the proposals to be considered by the commission.

signed: CHURCHILL, ROOSEVELT, STALIN."

On the subject of the secret protocol published by MOLOTOV the diplomatic Reuter correspondent writes:

The main question is, whether this protocol which, in principle, permits the drawing of reparations from current German production is to be regarded as a supplement to the Potsdam agreement or whether it has been rescinded thereby as no reference is made in the agreement to the principle laid down in the secret protocol. MOLOTOV is of the opinion that both agreements must be read together since the article referring to reparations payments contained in the Potsdam agreement begins with the words: "In agreement with the decision reached at the Crimea."

Despite the fact that the Potsdam agreement concerns itself merely with payments of reparations from German installations, it contains no paragraph which condemns the drawing of reparations from the current production the Reuter correspondent continues. The agreement merely ascertains that enough sources for her own maintenance must be left to Germany aside from the reparation payments made by her so that it may exist without any aid from abroad.

In contrast to the assertions made by MOLOTOV, the American Foreign Minister George C. MARSHALL maintained that the United States had not assented to the claims made by Russia at Yalta and that President ROOSEVELT had merely consented to the Russian claim for \$ 10,000,000,000 being transmitted to the reparations commission as a basis for discussion. London also agrees with Marshall's opinion, that the agreements reached at Yalta re-

Excerpt
from

COLLECTION of PROCLAMATIONS, LAWS, DECREES,
ORDERS, DIRECTIVES issued by the Allied
Control Council and the American
Military Government.

German Publishing House
SAUTEMART

(English draft)

.....

PROCLAMATION No. 2

Certain Additional Requirements Imposed on Germany

To the people of Germany:

We, the Allied Representatives, Commanders-in-Chief of the forces
of occupation of the United Kingdom, the United States of America,
the Union of Soviet Socialist Republics and the French Republic,
pursuant to the Declaration regarding the defeat of Germany,
signed at Berlin on the 5th June 1945, hereby announce certain ad-
ditional requirements arising from the complete defeat and uncondi-
tional surrender of Germany with which Germany must comply,
(in so far as these have not already been fulfilled), as follows:

.....

SECTION VI

19. a) The German authorities will carry out, for the benefit of
the United Nations, such measures of restitution, reinstatement,
restoration, reparation,

(page 2 of original)

reconstruction, relief and rehabilitation as the Allied Representatives may prescribe. For these purposes the German authorities will effect or procure the surrender or transfer of such property, assets, rights, titles and interests, effect such deliveries and carry out such repair, building and construction work, whether in Germany or elsewhere, and will provide such transport, plant, equipment and materials of all kinds, labour, personnel, and specialists and other services, for use in Germany or elsewhere, as the Allied Representatives may direct.

.....

SECTION XIII

48. In the event of any doubt as to the meaning or interpretation of any term or expression in the Declaration and in any proclamations, orders, ordinances and instructions issued thereunder, the decision of the Allied Representatives shall be final.

Done at BERLIN, 20th September 1945

B.L. MONTGOMERY, Fieldmarshal

L. KOELLICZ, Général de Corps d'Armée

V.D. SOKOLOVSKY, General of the Army

DWIGHT D. EISENHOWER, General of
the Army

Note:

Pages 69 and 70 of the German document book are translations of the preceding pages 67 and 68.

Excerpt from the Digest of Proclamations,
Laws, Ordinances, Orders, Directions, issued
by the Allied Control Council and the American
Military Government.

ORDER No. 3

Concerning a registration of the population
of employable age, registration of unemployed
and their placement at work.

The Control Council orders as follows:

Method of Documentation for Germany as a Whole.

- 1) The registration of employed and unemployed workers and their placement in work shall be carried out by the Labour Offices. All persons capable of work between the ages of 14 to 65 for men and 15 to 50 for women shall be registered.....
- 4) The Labour Office will give each gainfully occupied person a certificate that he has been registered. Gainfully occupied persons will receive food ration cards on the basis of such certificates. Those who do not possess such certificates shall lose the right to receive food ration cards.
- 9) Unemployed persons will receive food ration cards upon presentation of their registration cards. Unemployed persons who fail to register will lose the right to receive food ration cards.....
- 13) In case of necessity the Labour Office has power to place persons in work by compulsory direction....

(page 2 of original)

- 19) Unemployed persons who find employment on their own initiative, or employees who transfer from one place of work to another without the permission of the Labour Office, as well as all unemployed persons who disobey compulsory directions to work, will be liable to punishment as provided in this order and to the loss of the right to obtain food ration cards.....

Penalties

20) Any person violating or failing to observe any of the provisions of this order shall be liable to criminal prosecution in either German or Military Government Courts, and upon conviction, shall be punished.

- a) In the case of employers, by a monetary fine not exceeding 10,000 Marks or imprisonment not exceeding one year, or both, and
- b) in the case of all others, by a monetary fine not exceeding 1,000 Marks or imprisonment not exceeding three months, or both.

This order will become effective upon promulgation: 1800 hours,

22 January 1946.

Done at Berlin, 17 January 1946.

E.H. ROBINSON, Lieutenant General

L. KOEHLER, General de Corps d'Armee

V.D. SOLOVSKY, Army General

Lucius D. CLAY, Lieutenant General USA.

Note: Pages 73 and 74 of the German document book are translations of the preceding pages 71/72.

Control Council Law No. 32 C 32
1

Law No. 32

Employment of Women on Building and Reconstruction Work

Allied Control Authority
Control Council

In view of the shortage of able-bodied men in certain parts of Germany, the Control Council enacts as follows:

Article I

The appropriate German authorities may employ, or authorize the employment of female labour on building and reconstruction work, including rubble clearance.

Article II

The provisions of the Ordinance concerning working hours (Arbeitszeitordnung) of 30th April 1933 (RGBl. 1933 I 47) and all other enactments inconsistent with this law are repealed or amended in accordance with this law.

Article III

This law shall come into force on the date of publication. ^{x)}

Done at Berlin the 10th day of July, 1946

V. KROLOVSKI
Marshal of the Soviet Union

JOSEPH T. McHARNEY
General

SHULTS KUTAL
Marshal of the Royal Air Force

F. KORNIG
General d'Armee.

^{x)} Date of publication: 14 July 1946

I, Dr. Hellmuth DIX, Attorney, at present Counsel for the Defense at the American Military Tribunal, herewith certify that the enclosed document is a true and correct copy of the

Official Bulletin of Military Government

Germany

British Zone

Part II

Regulations of Military Government, valid for the whole of the British Zone.

Ordinance No. 94

(Articles I, II, VI, VII and VIII)

Compulsory Labor

Dated 22 October 1946

Munich, 4 February 1948.

Ordinance No. 5*

Compulsory Direction to Work

In order that labour is available for work of special urgency and importance.

IT IS HEREBY ORDAINED AS FOLLOWS:--

Article I

Application of Ordinance

1. This Ordinance applies to all persons who are required to register at local Labour Offices (Arbeitsämter) under the terms of Control Council Order No. 3.

Article II

Issue of Directions by Labour Offices

2. Any persons subject to the provisions of this Ordinance may by direction of the Local Office (Arbeitsamt) be required:--
(a) to take up new work; or
(b) to continue in his present work.

Article VI

Penalties

6. Any person who contravenes any of the provisions of this Ordinance or of the regulations made thereunder or who disobeys a direction to work shall, upon conviction by a Military Government Court or by a German Court be punished: -

- (a) in the case of persons disobeying a Direction by a fine not exceeding 1,000 RM or by imprisonment for a term not exceeding three months or both such fine and imprisonment;
- (b) in the case of all other contraventions by a fine not exceeding 500 RM or by both such fine and imprisonment.

Article VII

Conflicting Laws

7. All German legislation inconsistent with the provisions of this Ordinance or any regulation made thereunder is hereby superseded.

Article VIII

Effective Date

8. This Ordinance shall come into force on the 22 October 1946.

BY ORDER OF MILITARY GOVERNMENT.

GERMAN COAL MINING SUPPLIES AGENCY

Tel.-Fr. 39719. 59201. 59202 Essen-Eislingen, Vortekampstrasse

G-No. D I 8
1946: Circular number 9

Essen, 8 January 1946

To all mining companies and collieries.

Re: Intake of Labour.

The medical examination of the former German soldiers showed a negative result. Those summoned to the examination were either too old for work in mines or none fit for underground work, or had their home in the Russian zone of occupation, to which they want to return after being discharged. The collieries can accordingly no longer reckon with the assignment of the 30 000 former "Wehrmacht" members, as formerly announced (vide circular no. 151 of the 7 th December 1945). All announcements of transport which have been made by the Labour Exchanges or by the Districts with regard to this action have been cancelled.

(page 2 of original)

The Military Government and the authorities responsible of the Control of Labour have therefore resolved to take the recruiting of free labourers from 18 - 35 years from other trades up again and to assign those fit for work in the mines to the collieries by way of compulsory service. The assignment of these labourers is up to the local Labour Exchange, which mediates as well the labourers, available in their own Labour Exchange districts as those from the neighbour districts of the provinces Westfalen and Rheinland to the collieries by compulsory means.

Besides that one has taken up the idea again to continue the recruiting and compulsory service campaign in such a way, that the labourers, won by these measures, will be brought in convoys of 1000 men per week to the Ruhr and distributed to the various collieries by North German Coal Control. The first transport can be expected about on the 12th of January.

The Regional Labour Offices have been informed, which collieries have been noted for labourers from Holstein and how many accommodation facilities have been reserved therefore by the various collieries. These accommodations may not be used for the newcomers, assigned by local labour offices.

(page 3 of original)

We shall still supply further information within the next days on the number of intakes as well as on the transport number and the railway station, where the transports will terminate to the collieries, noted for intakes from the Schleswig-Holstein campaign.

We have asked the regional Labour Office to inform us of the departure of the transport from Holstein so early that we can let the collieries concerned know their arrival at least one to two days in advance.

GERMAN COAL MINING SUPPLIES AGENCY

Signed: LUBSTER

screened and approved

NORTH GERMAN COAL CONTROL

Production Branch

Signed: C.O. ESCHT

Controller Production.

I herewith certify the true and correct copy of the above document.

Munich, 4 February 1948

Signed: Dr. Helmut DIX
Defense

Certificate for the correctness of SCHWIDDER Documents
108 and 109, issued by the Institute for International Law
at the Kiel University, dated 5 October 1947.

EXPLANATION

I herewith certify the following enclosed photo-copies to be correct
and true copies of the originals:

1. Ordinance concerning the employment of labor and termination thereof
etc., dated 21 October 1942.
2. Armistice Treaty (Conventio de Armistitio, Bucharest 1940).
3. Slovak-German treaty on the subject of Slovak labor (from "Nach-
richten fuer Aussonderung", dated 18 September 1940. (Information
Bulletin for Export)
4. "La Vie Industrielle Paris" (Industrial activities in Paris), dated
5 March 1942. French Consular Authorities in Germany will represent
the interests of their subjects employed in that country.
5. Ordinance Gazette of the Reich Commissioner for the Ostland, Riga,
dated 20 December 1942.
6. Ordinance concerning working conditions of workers from the Ostland
employed in the Generalbezirken etc., dated 10 December 1942.
7. Ordinance Gazette of the Reich Commissioner for the Ostland, dated
Riga, 10 October 1942.
8. Ordinance Gazette of the Governor General for the Occupied Polish
Territories, dated Cracow, 2 November 1939.
9. Ordinance Gazette of the Governor General etc. of 26 October 1939
"Ordinance concerning the introduction of compulsory labor service
for the Polish population in the Government General.

(page 2 of original)

10. Official Bulletin of the Commissioner General in Raval, issue of 7 May 1943. "Ordinance for the implementation of the ordinance concerning the conditions of employment for workers from the East etc.
11. Letter dated 29 January 1942 from the Reich Minister of Labor concerning the "employment of Rumanian non-agricultural workers in Germany."
12. Letter of 19 December 1944 from the Plenipotentiary for the Four Year Plan concerning the expiration of work contracts with labor from friendly states.
13. Employment of labor in Greater Germany (Fritz SAUVEL)
14. Letter of 23 April 1942 from the Reich Minister of Labor concerning the remittance of wages for Slovak workers and employees.
15. Letter of 20 April 1942 concerning the employment in 1942 of Italian tradesmen in Germany.
16. Article on the employment of Spanish workers in Germany.
17. Order No. 4 from the Plenipotentiary General for Labor Supply concerning the recruitment, welfare, housing, feeding and treatment of foreign male and female labor, dated 25 January 1943.
18. First Ordinance for the implementation of the ordinance concerning the introduction of compulsory labor in the Occupied Eastern Territories, dated 28 January 1943.
19. Second Implementation Ordinance to the Ordinance concerning the introduction of compulsory labor in the Ruliyetok area, dated 1 April 1942.
20. Ravalor Zeitung (Raval Press) of 5 February 1942. Ordinance concerning the engagement and termination of employment of workers, also the prevention of breach of contract and of enticement of workers from their place of employment, dated 22 December 1941.
21. Ordinance Gazette for the Occupied Norwegian Territories, dated 30 January 1945. Second Ordinance concerning the conditions of employment of Eastern workers in Norway, dated 31 December 1944.

(page 3 of original)

22. La vie Industrielle, Paris, 2 October 1942,
National Labor Service and its Recruitment.
23. Official Bulletin dated 3 September 1943 of the Commissioner
General in Riga "Amendment Order to the Ordinance concerning the
conditions of employment for Eastern workers in the Generalbezirk
of Estonia, Latvia and Lithuania".
24. Ordinance Gazette of the Military Commander in Belgium and Northern
France, etc. dated 2 February 1942, "Ordinance of 29 January 1942,
concerning the hiring of workers and employees, etc.
25. Ordinance Gazette dated 6 May 1943 of the Military Commander in
Belgium and Northern France etc. Second Amendment Order to the
Ordinance concerning the safeguarding of labor requirements for
work of special importance, dated 6 April 1943."
26. Ordinance Gazette of the Military Commander in Belgium and Northern
France etc. dated 7 March 1942 "Ordinance concerning the safeguarding
of labor requirements for work of special importance, dated
6 March 1942".
27. Letter dated 23 February 1942 from the Reich Minister of Labor
concerning the import of dutyfree supplementary food stuffs for
Italian workers to be employed in Germany in 1942.

Kiel, 6 October 1947.

(Seal)

Institute for International Law at the Kiel
University

Signed: Professor Dr. von MANGOLDT, Director.

For the correctness of the excerpt

Munich, 7 February 1948.

Signed: Dr. Helmut DIX
Counsel for the Defense.

DOCUMENT BOOK II SCHLIDER

CERTIFICATE OF TRANSLATION

13 February 1948

We, Ephraim LEVIN, Kathleen STOUT, Emory ROSENBERG, Edith STEINER, Thea von SMUFFERT, and Rose WEAVER, hereby certify that we are duly appointed translators for the German and English languages, and that the above is a true and correct copy of the Document Book II SCHLIDER.

.....
Ephraim LEVIN
D-153 535
Pages: Index

.....
Kathleen STOUT
20 140
Pages: 2-7

.....
Emory ROSENBERG
20 076
Pages: 8-10;
14-16

.....
Edith STEINER
20 150
Pages: 11-13

.....
Thea v. SMUFFERT
B - 39; 929
Pages: 17-45

.....
Rose WEAVER
20 110
Pages: 58-61;
82-84

Case 6
Defense

APPENDIX

to

Supplementary Document Book II

for

Dr. Christian SCHNEIDER.

Submitted by the
Defense Counsel
Dr. Hellmuth DIX.



Young

I certify that all the documents contained in this
appendix are identical with the documents submitted
to the Tribunal.

Nuernberg, 5 May 1948.

(Signed): Dr. Hellmuth DIX
Attorney-at-Law.

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to the Appendix to supplementary document book II

for

Dr. Christian SCHNEIDER

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301		Affidavit by Dr. Heinrich STOLBECK certifying that the photographs submitted with SCHNEIDER Document No. 284 in the supplementary Document Book II were taken during the war.	3 - 4

I, Dr. Heinrich STRASSER, resident at Rosenthal, Bezirk Kassel, House No. 243, have been duly warned that I shall render myself liable to punishment if I give a false affidavit. I declare on oath that my statements are true and were made in order to be submitted as evidence to Military Tribunal No. VI in the Palace of Justice, Nurnberg, Germany..

I was born on the 10 February 1885 at Brunswick. After studying machine construction at the Technische Hochschule at Brunswick, I received in 1913 my Dr. ing. Since 1919 I have been employed in the Leuna-Werke, first as deputy chief of the Machine Construction Division, later as chief of the Technical Division.

In 1941 a Sonderkommando of unwilling workers was formed in the Leuna-Werke for the following reasons:

Among the 25,000 to 30,000 workers in the Leuna-Werke, most of whom were conscripted German and foreign workers, there was naturally a small percentage of people who were unwilling to work and trouble-makers, people who did not fulfill their own obligations in regard to work and who in addition created unrest and were obstructive. Some of them took every opportunity to incite their fellow-workers to act against orders or laid hands on their superiors. As on the one hand it was not possible to dismiss these conscripted workers and on the other hand the legal means of punishment available to the employer were not strong enough to maintain order, these people- Germans and foreigners alike - were assembled in a special Arbeitskommando. This was called the "Halden-Kommando",

- 2 -

because it was frequently assigned to work on the Halde (hill-side). The Kommando usually consisted of about 20 - 30 people, who worked separately and could be kept under strict supervision. They received wages according to the scale, worked the same hours as the rest of the workers and were not given any harder work than the others. Nor were they treated more harshly. The purpose of this Kommando was merely to keep these people separate from their fellow-workers. As far as I remember the people were not accommodated in separate quarters, but remained in their old billets. Nor did they receive different rations as a result.

The plant was actually under instructions to report people of this kind to the Gestapo for punishment. However, for the sake of peace and quiet in the plant and in order to make use of all available manpower, this was not done, but instead the people were assembled during working hours in an Arbeitskommando in the manner described above.

In this way they were spared legal prosecution and Gestapo measures. As far as I remember it was possible to abandon this arrangement after one or two years.

Rosenthal, Bezirk Kassel, 27 April 1948.

Signed: Dr. Heinrich STORKECK

(Dr. Heinrich STORKECK)

I, Dr. Rupprecht Storkebaum, of Rosenthal, Bezirk Kassel, herewith certify and witness the above signature, given in my presence by Dr. Heinrich STORKECK, resident at Rosenthal, Bezirk Kassel, House No. 243, on the 27 April 1948.

Rosenthal, Bezirk Kassel, 27 April 1948.

(signed): Dr. Rupprecht STORKEBAUM
(Dr. Rupprecht STORKEBAUM)

AFFIDAVIT.

I, Dr. Heinrich STROMBECK, resident at Rosenthal, Bezirk Kassel, House No. 243, have been duly warned that I shall render myself liable to punishment if I give a false affidavit. I declare on oath that my statements are true and were made in order to be submitted as evidence to Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

I was born on the 10 February 1885 at Brunswick. After studying machine construction at the Technische Hochschule at Brunswick, I received in 1913 my Dr. ing. Since 1919 I have been employed in the Leuna-Werke, first as deputy chief of the Machine Construction Division, later as chief of the Technical Division.

The photographs of the foreigner's camp identified by me on their reverse sides were prepared by the Technical Division then under my supervision.

Most of these pictures are identified on the front by serial number and date of the picture. In the case of those pictures which do not have this date, it can be seen from the serial number that these pictures also were taken during the war.

As far as I remember, the Leuna-Werke had no camps before the war, particularly not for foreigners.

I give this information according to the best of my knowledge and belief, but, since I do not have access to any files and cannot verify my statements, small discrepancies are possible.

Rosenthal, Bezirk Kassel, 30 April 1948.

(Signed): Dr. Heinrich Strombeck

(Dr. Heinrich STROMBECK)

- 2 -

I, the Mayor of the City of Rosenthal, as Chief of the Local Police,
herewith certify and witness the above signature, given in my
presence by Dr. Heinrich STROMBECK, resident at Rosenthal, Bezirk
Kassel, House No. 243, on the 30 April 1948.

Rosenthal, Bezirk Kassel, 30 April 1948.

Seal

Signed: KORNELIN
(Kornelien)

Mayor of the City of Rosenthal.

- - - - -

CERTIFICATE OF TRANSLATION

7 May 1948

I, Kathleen J. STOUT, hereby certify that I am a duly appointed translator
for the German and English languages and that the above is a true and
correct translation of the document SCHNEIDER No. 300 and 301.

KATHLEEN J. STOUT
20 1140.

- 4 -
"END"

Defense
Case 6

Annex to Supplementary Da. Bk II Schneider

ANHANG

ANNEX

is

of

Schneider Document No. 284

Schneider Exhibit No.

Samuelisches Dokumentenbuch II

Supplement II

"Bilder aus Fremdarbeiterlagern in Leuna"

" Pictures of foreign workers' camps in Leuna"



ruhl.

Schneider Dok. Nr. 2841

Schneider Bxh. Nr.

Page 1







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Schweizer Lok. Nr. 254.

Pa 6 14











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Case 6
Defense

DOCUMENT BOOK

for

Dr. Christian SCHNEIDER

No. 3

submitted by the
Defense Counsel
Dr. Hellmuth DIX

Young



I N D E X
of the Document Book
for Dr. Christian SCHMIDT

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210		Excerpt from the interrogation of the witness Dr. Walter LUTSCH before the Military Tribunal IV case V, Saarburg, Germany, on 30 September 1947 concerning the state direction of the mobilization of labor before and during the war, voluntary enlist- ment and recruitment for foreigners and the need resulting therefrom for the allocated foreigners being employed in German industry.	69-87
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I hereby certify that all the documents contained in this
document book are a true copy of the documents submitted to
the Tribunal,

Thornborg, 7 February 1948

(signature:)

Dr. Hellmuth DIX
(Dr. Hellmuth Dix)
Attorney

ORDINANCE FOR THE EXECUTION OF
THE FOUR YEAR PLAN

Dated 14 October 1936

(Reich Law Gazette I, p. 667)

The realization of the new Four Year Plan proclaimed
by me at the Party-day of honor (Parteitag der Ehre), demands
a uniform guidance of all the forces of the German people
and the close unification of all relevant competent authorities
in the Party and State.

I entrust the execution of the Four Year Plan to the
Minister President Generaloberst GOERING.

Minister President Generaloberst Goering is to take the
necessary measures for the fulfillment of the tasks imposed on
him, and has the power to issue legal ordinances and general
administrative provisions. He is authorized to give audience
to all officials, including the highest Reich officials and all
offices of the Party, its affiliations and the associations
connected with it, and to provide instructions

Berchtesgaden, 14 October 1936

The Fuehrer and Reich Chancellor

ADOLF HITLER

Extract

from the Reich Law Gazette

1936, Part I, No. 536

SECOND ORDINANCE FOR THE

EXECUTION OF THE

FOUR YEAR PLAN.

Dated 5 November

On the basis of the ordinances of the Fuehrer and Reich Cancellor for the execution of the Four Year Plan, dated 13 October 1936, (Reich Law Gazette I, page 537), the following is decreed:

I.

By decree for the execution of the Four Year Plan, which must be made public, are published, in so far as they do not appear in the Reich Law Gazette, in the "Deutsche Reichsanzeiger" and the "Preussischer Staatsanzeiger".

II.

(1) Anyone who contravenes the orders and prohibitions contained in such decrees, will be punished with imprisonment and a fine, the extent of the latter to be unlimited, or with one of these penalties.

(2) Article 4 of the law for the execution of the Four Year Plan - the appointment of a Reich Commissioner for the formation of prices - dated 29 October 1936 (Reich Law Gazette I, No. 927) remains unchanged.

III.

No compensation will be given for damages arising from a decree as published under figure I.

.....
Berlin, 5 November 1936

The Reich President
GOERING
Plenipotentiary for the Four Year Plan

1000 PMY 1000 HIT 800-1000
SCOTTISH 1000 PMY 1000 800
Larkart-Exh. No. 214

D E C R E E

FOR THE EXECUTION OF THE PLANNING OF THE FOUR YEAR PLAN

Dated 13 October 1936.

(which Law Gazette I, page 1395)

Since the time limit of four years as designated by the ordinance for the execution of the Four Year Plan, dated 13 October 1936 (which Law Gazette I, page 1395) has elapsed, I again appoint for a period of four years, which Marshal Goering as Plenipotentiary for the further execution of this Four Year Plan, with special instructions to adapt it to meet the requirements of the war.

The full powers bestowed on which Marshal GOERING in at the ordinance dated 13 October 1936, continue to remain/his disposal for this purpose.

Warrant signed, 13 October 1936

The Führer and Reich Chancellor

Adolf Hitler

The Plenipotentiary for the Four Year Plan
GOERING, Reich Marshal

The Reich Minister and Chief of the Reich

Chancellery

Dr. LAMMERS

SECRET

from

Reich Law Gazette 1939 I, Vol. II, No. 13, page 1809/13.

War Economy Ordinance

dated 4 September 1939

The protection of the frontiers of our fatherland demands the utmost sacrifices of every German citizen. The soldier offers his life in protecting his homeland by arms. In view of the magnitude of his sacrifice it is the obvious duty of every citizen at home to make all his power and means available to the people and the Reich, so that a regulated economic life can be maintained.

To achieve this every citizen must also and above all accept the necessary restrictions on his way of living.

The Ministerial Council for Reich Defense decrees therefore with legal effect:

Section I

Conduct detrimental to war

Article I.

(1) Whoever destroys, removes or conceals raw material or products which are of vital necessity for the population, and thereby maliciously endangers the supply of such necessities, will be punished by penal servitude or imprisonment, and in particularly serious cases by death.

(2) Whoever conceals legal tender without any legal justification will be punished by imprisonment, and in particularly serious cases by penal servitude.

Section III.

Law of Labor

Article 19.

(1) On more detailed instruction from the Reich Minister of Labor, the Reich Labor Trustee and Special Trustee for Labor will at once adapt the Labor Services to wartime conditions, and will fix limiting ceilings for wages, salaries and other labor conditions by means of a tariff-agreement.

(1) Whoever promises or grants or is himself promised or granted wages or salary in violation of Articles 16 to 20 of this ordinance will have a disciplinary fine of an unlimited amount imposed on him by the Reich Labor Trustee or Special Trustee for Labor for each case of contravention. The same penalty will be inflicted upon anyone who requests or grants better working conditions than are permissible under the provisions of this ordinance. It is permitted to appeal to the Reich Minister of Labor against the sentence of disciplinary punishment.

(2) In serious cases the penalty is imprisonment or penal servitude. Prosecution will start on application by the Reich Labor Trustee or Special Trustee for Labor. The application may be revoked.

Section IV

Law of Prices

Article 22

Payment and compensation for goods and work of every kind must conform to the principles of wartime national economy.

Excerpt

from

J. W. LAMPFRIED
State Secretary at the Reich Ministry
of Economy.

Economic legislation

Vol. I.

Published by G.E. Beck'sche Verlagshandlung, Berlin and Berlin
Commodity exchange regulations

Commodity exchange ordinance, in the version dated 18 August 1939
(Reich Law Gazette I, page 1433).

Pursuant to the law dealing with economic measures dated
8 July 1936 (Reich Law Gazette I, page 566) the following is
heroby decreed in agreement with the Reich Minister of Food and
Agriculture and the Reich Minister of Forestry:

Authorization:

Article 1. The Reich Minister of Economy is hereby
authorized to supervise and regulate transactions in commodities,
and in particular ^{to} make decisions to their procurement,
distribution, storage, sale and consumption.

Violations

Article 12 (1) In violation and fine to an unlimited extent,
or either one of these two penalties may be imposed on anyone:
1. who intentionally or negligently violates an order issued by
the Reich Minister of Economy pursuant to this ordinance or the
regulations for its enforcement or supplementation;
2. who intentionally or negligently violates the order of a
Reich Agency, in so far as such an order itself or a decree
supplementing it contains express reference to the penalty
regulations of this ordinance;

3. who makes incorrect or incomplete statements or uses such statements to obtain for himself, or for another, a license, permit or binding consent, or other certificate issued by the Reich Minister of Economy or one of the Reich Agencies pursuant to this ordinance, or the regulations for its implementation or supplementation.

(2) Licenses issued by the Reich Minister of Economy or by one of the Reich Agencies shall be considered equivalent to the provisions under figure 1 and 2.

DECREES

concerning punishment and criminal procedure in cases of violations of the regulations relating to the rationing of consumers' goods

(Penal regulations protecting the rationing of consumers' goods) in the version of 26 November 1941.

Excerpt from "Loch Law Gazette" 1941, Part I, page 73)

Article 1.

Whoever in the exercise of a trade or profession

1. requires or supplies rationed goods without a buying permit, in particular without a valid purchasing certificate (for instance ration card, ration certificate, whole sale ration permit, ration allotment, order form, registration in a customer's list) and whoever uses for himself a buying permit to which he is not entitled or leaves to another party, or procures for himself, the use of a buying permit and -
 2. Whoever by incorrect or incomplete statements surreptitiously obtains a buying permit -
- shall be punished by imprisonment and a fine, the latter to an unlimited amount, or by one of these penalties.

Article 2.

(1) Whoever, without acting in the exercise of a trade or profession -

1. requires rationed goods without a buying permit, makes personal use of a buying permit to which he is not entitled, or requires against payment, or transfers to another party, the use of a buying permit in order to make a profit,

2.

shall be punished by a fine not exceeding 25 150 or by imprisonment.

Article 3.

(1) Whoever uses or consumes rationed industrial products, allocated or intended for the exercise of a trade or profession, for a purpose other than that stated in his application or fixed at the time of distribution, or contrary to the provisions and regulations governing their use, shall be punished by imprisonment for a term not exceeding 2 years and an unlimited fine or one of those penalties.

(2) In less serious cases the penalty may be a fine not exceeding 25 150 or a term of imprisonment may be imposed.

(3) The attempt is punishable.

Article 4.

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Excerpt from Reich Law Gazette No. 39.

Part I Page 403

First implementation order under the Decree for securing manpower
for tasks of special political importance.

(Labor Service implementation order).

Of 2 March 1939.

On the basis of the decree for securing manpower for tasks
of special political importance, dated 13 February 1939, (Reich
Law Gazette I p. 206), the following is ordered:

*

Article I.

(1) The requirements of manpower for tasks designated as parti-
cularly important and urgent by the Plenipotentiary for the Four
Year Plan, are to be reported by the plant leader to the Presi-
dent of the Regional Labor Office in whose area the tasks are
to be carried out, unless the required manpower can be made
available by measures within the enterprise or can be supplied
by the Labor Office.

(2) The report is to be submitted on a form according to the
attached model.

Enclosure
(p. 407)

Article 2.

- (1) The report of the plant leader (Art. 1) at the same time serves as an application for the assignment of the required manpower.
- (2) If, in compliance with the application, workers are assigned to compulsory service with the applicant, then a labor- or service agreement between employer and employee - at the terms set forth in the report - is concluded by the delivery of the notification of compulsory assignment. (Article 6). The tariff and plant (service) regulations in force for the new place of work, as well as the provisions of Article 13 remain unchanged. The labor- or service contract between employer and employee becomes valid as the date specified in the notification of compulsory service assignment as that on which employment is to begin.

Article 3.

- (1) Compulsory service may be applied to work of any kind. The person conscripted is to be used for such type of work as is best in keeping with his abilities and knowledge.
- (2) Prior to conscription, the person to be conscripted, as well as his plant leader, are to be asked for their opinion unless, as a result of this, the personnel might not be secured in time. The person to be conscripted

will in this event be informed of the conditions under which service is to be rendered.

Article 4.

The persons to be conscripted must be fit for service. This condition is to be verified through medical examination, if necessary.

Article 5.

- (1) Compulsory service is fixed by the Labor Office in whose area the person to be conscripted is residing or usually domiciled.
- (2) The notification of compulsory service allocation will show:
 - a) name and location of the plant (department of plant), in which work will be done,
 - b) if service is to last for a limited period of time only, dates of commencement and termination of service,
 - c) if there is no time limit, date of commencement of service,
 - d) date of commencement of work.
- (3) In the case of persons conscripted for work outside their residence area or the locality where they are usually domiciled, the day of departure for their place of work will be fixed as the date of commencement of service.

Article 6.

- (1) The notification of compulsory service allocation is to be sent to the person to be conscripted.
- (2) Conscripted persons in employment will submit the notification of compulsory ^{service} allocation to the plant leader immediately after receipt. In addition, the Labor Office will send a copy of the notification to the plant leader.
- (3) An appropriate interval must elapse between the day on which the notification is delivered and the commencement of the service.

Article 7.

- (1) People conscripted for a limited period - if they are in employment - are loaned out from their previous employment from the day in which their service starts.
- (2) Wages, salaries or other pay due to conscripted persons are to be paid prior to the commencement of service.
- (3) In the case of conscripted persons who are in employment and are holders of an employment book, the entry upon termination of employment made in the employment book by the employer will be completed as follows:

in the case of conscription for a limited period
of time "Turned out for service",
in the case of an unlimited period of time
"Discharged for service",.....

... ..

Article 20.

- (1) In the case of conscription for a limited period, the employment will terminate at the end of the actual service period. Facilities for one return to the former employment will be granted by the plant leader so as to enable the conscripted person to arrive at his former residence or usual domicile by the end of the service. He will be paid the usual wages up to the end of his service.
- (2) Prior to the end of his service, and in the case of conscription for an unlimited period of time, the service may be terminated only with the approval of the Labor Office competent for the place of work. If approval is given, the compulsory service will terminate at the same time as the status of employment.
- (3) If the Labor Office has approved the termination, the latter cannot be the subject of legal procedure.
- (4) The entry in the employment book concerning the termination of service will be completed by the plant leader as follows:
"Service terminated",.....
.....
Berlin, 2 March 1939.

The Reich Minister of Labor

By order
Signed: Dr. SYRUP

No. 40 - Date of issue: 6 March 1939

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Enclosure

(ad Article 1, Section 2 of
Implementation Ordinance for Labor
conscription)

N o t e .

1. This registration is to be submitted in 4 copies.
2. For each profession - separate report is to be submitted.

..... Date 19....
..... Street No.
..... Telephone

To:
the President of the
Regional Labor Office
in

via the Labor office
in

R e p o r t

pursuant to the Ordinance concerning the Safeguarding of Labor
Requirements for Tasks of Particular National Importance, dated
13 February 1936 (which Law Gazette I, page 206) and the
Implementation Ordinance for Labor Conscription, dated 2 March
1939 (which Law Gazette Part I, page 403)

I. Employers:

1. Name and location of firm (administration)

.....
.....

2. Type of firm:

.....
.....

3. No. of workers already employed:

Of these are employed in:

Type of worker	Tasks of particular national importance	Other tasks	Total (column 2 and 3)
-------------------	--	-------------	---------------------------

1

2

3

4

405 Reich Law Gazette, Year 1939, Part I

II. Application

1. I herewith request the conscription of workers, as specified below, to be assigned to my firm for tasks of particular national importance from onward or later
(number and kind of workers)
2. The workers requisitioned have to meet the following requirements (professional and other qualification):
3. Kind of work for which workers are required:
4. Period for which workers are to be employed:
(days, months)
5. Place of employment (plant, department, building-site, administration etc.):
6. Employees normally to be provided by a worker:
7. The requisitioned workers are to report to in
8. Daily working hours hours, weekly hours -
- shifts etc -
9. a) Hourly rate Mk
b) Salary Mk monthly
10. Additional allowances:
 - a) Additional allowance for separate maintenance of married couples in private quarters - also quarters - dwelling owners:
..... Mk per calendar day
per working day
for workers who have their permanent residence in towns with 500-1000 inhabitants, the additional allowance for separate maintenance is increased to Mk per calendar-day -
per working day.
 - b) For living allowances if allotted in private quarters, communal quarters, dwelling owners
..... Mk per calendar-day
per working day
 - c) Other allowances:

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11. The necessary quarters were secured as follows:
- a) Separate housing - private - in rural household - in an inn with breakfast - with full board ... RM weekly
without breakfast - with full board ... RM weekly
 - b) Communal billeting, via inn with breakfast - with full board ... RM weekly
without breakfast - with full board ... RM weekly
 - c) Housing in dwelling-camps with breakfast - with full board ... RM weekly
without breakfast - with full board ... RM weekly
 - d) For billets without board the following has to be paid:
for breakfast RM
for lunch - hot or cold RM
for dinner - hot or cold - RM
 - e) On arrival at their destination, the workers receive a hot meal at the expense of the firm.
 - f) Special expenditure (for instance transportation costs of daily trips from the billet to the building site.)

12. After regular termination of employment, the employer will bear the expense for the return-journey to the former place of residence or the permanent domicile.

Tariff, service or factory regulations possibly in force remain unchanged.

- III. The ordinance concerning the Safe-Working of Labor Requirements for Tasks of Particular National Importance, dated 13 February 1939 (Reichsgesetzblatt I, 1939: 236) and the Implementation Regulations issued in relation thereto are known to all.

(Stamp of the firm)

.....
(Signature of the plant manager or of his representative)

Reich Law Gazette, 1939 I

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Excerpt from the Reich Law Gazette 1939
No. 169, Part 1, page 1845.

Ordinance concerning Restrictions on Change of Place of
Work. Dated 1 September 1939

The Ministerial Council for Reich Defense issued the following
legal decree:

Section 1.

Termination of the working contracts.

Paragraph 1.

(1) Managers, workers, staff masters, apprentices, volunteers
and practitioners cannot terminate their working contract
(apprenticeship) before the Labor Office has sanctioned the
termination.

(2) The termination of a working contract prior to approval
is legally invalid, unless the Labor Office subsequently approves
of it in particularly exceptional cases.

(3) The approval of the Labor Office does not constitute
the decision whether the termination of the contract is
justified or not. The same applies to termination of a contract
where the term of notice is not observed.

Paragraph 2

According to article 1, Sect. 1 and 2, approval is not required if

1. the contracting parties agree on the termination of the working contract,
2. the enterprise (building site) has to be closed down,
3. the worker, staff member or apprentice has been employed temporarily or on probation and the working contract (apprenticeship) expires within 1 month.

Section II

duty to report.

Paragraph 3.

Any person who, according to paragraph 2, does not require approval for the termination of his working contract (apprenticeship) has to report to the competent Labor Office either at his last dwelling-place or at his permanent residence after leaving his former place of work.

Section III.

Employment restrictions.

Paragraph 4.

(1) Enterprises (private and public enterprises and administrative offices of all kinds) and households may employ workers, staff members, apprentices, volunteers and practitioners only with the approval of the Labor Office.

(2) Approval is not required for employment in agricultural enterprises.

Section VI

Final Regulations .

Paragraph 11.

Any person violating or evading this ordinance or leaving his occupation prior to regular termination of the working contract (apprenticeship) in accordance with the regulation, shall upon request of the Head of the Labor Office be fined and imprisoned or will be subject to one of these penalties.....

... ..

Berlin, 1 September 1939

The President
of the Ministerial Council for the Defense
of the Reich

signed: GOSRIER
Generalfeldmarschall

The Reich Minister and Chief of the Reich
Chancellery

signed: Dr. LUBERZ.

The true and correct copy of the above document is
herewith certified.

Munich, 3 February 1940

signed:

Dr. Helmut LIX
Council for the Defense

Extract
from
Reichsarbeitsblatt 1940 (Reich Labor Gazette)
Part I, p. 353

The Reich Labor Minister
Va 5760/128

Berlin, 10 July 1940

Allocation of foreign industrial workers.

The war has created a situation which makes it increasingly possible to allocate free foreign industrial workers. Although I have repeatedly pointed out - the last time in my circular Decree Va 5760/28 of 9 March 1940 (not published) and Va 5760/74 of 4 May 1940 (RG. 536/40) - that the recruiting of foreign workers must remain the exclusive right of the offices of the administration of labor allocation, there have recently taken place - without my consultation - conferences of plants, representatives of organizations and other offices on the recruiting and allocation of foreign industrial workers, in particular in the occupied areas. I therefore refer once more to the following principles which in future must be strictly complied with by the regional labor offices and labor offices.

1. According to Art. 1 of the Law of 8 October 1935 concerning employment, vocational guidance and the placement of apprentices (Reich Law Gazette I, p. 1261), employment service may only be given by offices of the administration of labor allocation. This also applies to the allocation of foreign workers. Furthermore, according to the Decree of 20 January 1936 concerning foreign workers (Reich Labor Gazette I, p. 26), foreign workers may only be employed by permission of the offices of the administration of labor allocation. The competence of the administration of labor allocation has once again been expressly established by international agreements with a number of foreign states. Measures concerning recruitment and allocation of foreign workers by offices outside the administration of labor allocation must therefore under all circumstances be stopped, as they often run counter not only to German law but also to international agreements to which the Reich is a partner; arbitrary recruitment cannot only have serious consequences for the recruiting offices but also for the workers who have been recruited in contravention of the law.

2. In particular the requirements of a systematic planning of labor allocation imply that recruitment and allocation take place according to the same superior points of view by the offices of the administration of labor allocation. This applies particularly to war important labor allocation where it is of great importance to allocate the free foreign industrial workers to places of priority.

3. Likewise, wages and working conditions as well as social insurance of foreign workers can only be decided by me in the competent office.

4. With regard to the police and passport regulations for foreigners - which are of special importance in war time - a number of regulations have been agreed to by the Reichsführer SS and Chief of the German Police and myself, which also make recruitment by third parties undesirable. Lastly, the regulations concerning the transfer of wages, in particular the supervision of any payments fixed by the Minister of Economic, require uniform treatment.

and Reich Labor Gazette 1943, part I, p. 343.

5. For reasons mentioned under 1 to 4, I once more request the Presidents of the regional Labor Offices and the directors of the Labor Offices to take the greatest care that in future every arbitrary recruitment of foreign industrial workers by third parties, esp. by representatives of factories or organizations etc., is stopped. Any violation of this must be immediately reported to this office.

6. The allocation of industrial foreign workers to places of activity furthermore, since it is necessary that in future their allocation be carried out exclusively by the Reichsautarkie (Central Reich Labor Coordination). The regional Labor Offices still have a special permit to do for the recruitment of foreign industrial workers, this permit is herewith cancelled forthwith. In future, the recruitment of industrial foreign workers by individual regional Labor Offices or Labor Offices is dependent upon my approval, which will be necessary for each individual case. Only for so-called small frontier traffic (kleiner Grenzverkehr) will the frontier labor offices continue to be authorized, to recruit foreign industrial workers direct. This authorization, however, only applies to such cases who will be employed as workers in the small frontier traffic according to the relevant police and passport regulations. I request the Presidents of the regional Labor Offices to take care that this exceptional regulation is strictly observed by the frontier labor offices and not applied arbitrarily.

.....
.....

by order

Dr. SISIGEL

(Dunkert exhibit No. 25)

Labor Office:

Order of the Reich Labor Ministry No.

Regional Labor Office:

Order of the Regional Labor Office No.

To be submitted in five copies.

A F F I L I A T I O N
for the Allocation of Industrial Workers.

Insofar as workers cannot be procured from the area of
the German Reich, this application is also an application for
the allocation of foreign workers, and an application for
granting the approval to employ foreign workers/clocks.

I. Identification

Name and seat

..... Telephone

Place of work

herewith applies for the allocation of the following

workers:

- II. Number and profession (e.g., a) 20 brick layers, b) 10 carpenters
c) 50 building laborers or d) 10 motor-
locksmiths e) 5 lath operators e) 20 laborers
assistants or apprentices.

<u>Number</u>	<u>Profession</u> <u>of the</u> <u>required workers</u>	<u>Exact description of the work</u> <u>to be done (also data on the</u> <u>required special knowledge).</u>
---------------	---	--

Grand total: workers.

Duration of work from until

data concerning priority (e.g., in the case of constructions:

exact description of the plan and arrangements and the Ge-

building-registration-number; in the case of manufactures,

data of priority - if possible - and the commissioner, e.g.,

(throughout important)

III. Conditions of work:

- 1.) Working hours: Per week hours
- 2.) Days: For miners see reverse)

as per hour app.	Possible additional efficiency wages (as far as allowed under the regula- tions in force) per hour app.	Times or hour for youths; see app.	Daily gross wages with piece work (average) app.	Remarks
------------------------	--	---	---	---------

.....

Place and conditions of work

have been checked. They
conform to the relevant
local tariff conditions or
to conditions set up by the
trustee.

By order:

.....
Signature of the trustee of
the Reich Labor Trustee
at the Labor Office.

IV. Food and Lodging:

The following food is provided

.....; the date or day is

Lodging in private quarters - single - bachelor's house -

costs per week M (7 days) with - without -

private coffee.

quarters are provided for men are in good conditions.

In the case of lodgings in camps:
Community lodgings and possibilities
for maintenance for the above required
workers have been examined and are
in order.

(Stamp and signature
of the competent LAF
(German Labor Front)
office

7. Travel expenses and other charges:

VI. True:

The plant is also employing foreign workers of the following nationalities (number of foreigners of each nationality to be admitted):

The universal plant workers must retain the plant they are in. German workers will not all leave their own respective plants of work at once, or after training. It is certain to employ the workers produced by retention of this application - on the same conditions - from the day of their readiness to work at the plant again.

Place in Date

signature and stamp of the
employer

Brief statement of opinion of the Labor Office :

In particular with re. re. priority:
(no distinction number)

Place n. 12 si n. tufo

To the
President of the Scientific Labor Office..... 18

I, Dr. Hellmuth IX, at present counsel for the defense at the American Military Tribunal, Nuremberg, hereby testify that the enclosed copy is a verbatim copy of the text of the exhibit exhibit No. 25, from Document Book II of the defendant Otto Schmidt (Case V).

Nuremberg, 14 November 1947

Dr. Hellmuth IX

I 284 Reich Labor Gazette, Part I No. 17 1940

.....
II. Labor allocation, Procurement of Labor,
Unemployment Aid, Laws, Ordinances, Decrees.

The Reich Labor Minister

Berlin, 16 May 1940

V a 6552/431.

To the Presidents of the Regional Labor Offices.

Subject: Measures to meet the manpower requirements of
the Armament Industry.

The growing demands of war economy for workers - brought about by the increasing number of armament tasks and by further draftings into military service - necessitate a renewed and immediate investigation of all possibilities which may alleviate the situation with regard to the allocation of labor. In the present situation it is mainly up to the iron and metal industry to release not only the necessary skilled workers but also large numbers of unskilled workers, in order to carry out war economy tasks of a more urgent nature. Reference is made to the following particulars:

1. Special measures for training skilled workers.

For the most part, only unskilled workers and apprentices will be obtained from the closing-down action of the Reich Ministry of Economy, which is at present in progress. Apart from training large numbers of workers - metal workers can only be made available by the factories limiting the employment of skilled workers to the absolute minimum and in particular by their making skilled workers - who are not actually employed on skilled labor - available for other tasks. This demand has already been raised

through the order by the Chairman of the Ministerial Council for Reich Defense Minister President General Field Marshal GÖEBBELS dated 28 September 1939 and published in the circular decree of 5 October 1939 - Va 5550/333-. However, it has been repeatedly established by the factory investigations undertaken so far, that many factories do not make sufficient allowance for today's requirements.

Furthermore the development of manufacturing processes in many branches of the iron and metal processing industry, has led to the gradual narrowing down of skilled labor. Work that was originally designated as skilled labor has now become semi-skilled to such an extent that today large numbers of skilled workers must of necessity be employed on work of a semi-skilled nature. The employment of skilled workers is to be investigated without further delay, in order to re-allocate that portion of labor which is not indispensable to the execution of skilled labor. In this connection, the factory index, as prescribed in my order dated 15 February 1940 - Va 5030/3 for factories belonging to the iron and metal industry which retain more than 10 employees, can provide valuable information for a comparison of the skilled labor allocation in factories with the same or similar manufacturing tasks.

Factories having a percentage of skilled workers exceeding the average will have to make a specially minute investigation. As far as the employment of skilled workers in the individual factories cannot be investigated by the Labor Allocation Departments of the Labor Offices, special commissions must be appointed for this task. Skilled workers thus made available must of course, only be used in those factories working on priority tasks, and those which - pursuant to investigation - were acknowledged to have essential need of further skilled labor.

The demand for semi-skilled workers, such as assistant locksmiths, turners, revolver turners, millers, planers, drillers,

grinders and welders etc. must be settled according to the provisions for intensified training measures contained in the decree dated 20 March 1940 - Va 5540/43¹⁾. These measures are to be pressed forward to the required extent with all means and without regard to regional considerations. The success of these measures must not be prejudiced by failure to make an adequate number of trainees available. In this connection reference should also be made to the instructions for procuring trainees, as contained in the decree of 20 March 1940.

Special importance is also attached to the speeding up of the training programme for apprentices because in many instances the re-allocation of unsuitably placed skilled workers will be dependent on the allocation of trainees.

Concerning the demand for highly trained skilled workers, it must be investigated, in collaboration with the appropriate offices whether the requirements cannot be met by the creation of further reserved occupations.

2. Special measures for training semi-skilled workers.

As far as it can be seen at present, the results of the closing-down action up till now, may fall below the requirement figures announced by the Regional Labor Offices in reports to the District Economic Offices. At the same time it is to be ascertained by comparing the present production output with that of former periods, whether the number of those employed is equal in proportion to the important official orders on hand. In countless instances, among others the drawing-up of the factory-index - it has been shown that the value of the monthly sales has fallen to a fraction of its value in former times, but on the other hand, the number of those employed has only decreased very slightly or not at all.

Next to the results of such comparisons, naturally the causes of deviations in the development of production and labor allocation have to be considered. Manpower which is retained to an extent exceeding the requirements is, in principle, to be withdrawn. When giving reasons for retaining their manpower, the factories usually allege that they are making allowances for the arrival of further orders, without however indicating the time at which the factory will be engaged on these orders.

The strained situation, existing with regard to labor supply even justifies the re-allocation of workers for a limited period. Such a temporary, increased allocation of workers will often suffice to assist in the execution of the most urgent tasks of production in an effective manner. To a large extent, commissions will also have to be employed on these investigations in order to support the activities of the Labor Offices. The investigations carried out in the factories are to be effected in closest collaboration with economic administrative offices.

3. Control of Mobile Labor.

Mobile labor is to be employed exclusively on urgent war production tasks, according to individual suitability. This requires that the labor allocation departments of the Labor Offices adopt a uniform policy, and especially the closest cooperation between the individual employment agencies. In all Regional Labor Offices the labor allocation statistics of the last months are to be checked immediately in order to ascertain in detail the special measures it will be necessary to take in order that mobile labor may be directed where it is most urgently needed. The regulations governing the change of place of employment are to be dealt with accordingly. As far as personal considerations (e.g. mobility restricted to one locality) hinder employment on urgent war production tasks, suitable workers are to be made available to the required extent by means of exchange.

The Chiefs of the Labor Offices have to supervise the directing of mobile labor to a larger extent than hitherto and to examine whether the directing is effected in accordance with the requirements of war economy, no matter whether it is done by means of exchange or by agreeing to a change of the working place.

4. Part-time work.

In a number of Regional Labor Office districts part-time work is still done to such an extent that in view of the existing demand for manpower an immediate repeated examination of all plants only working part-time is required. In view of the present scarcity, part-time work can only be considered for a temporary period, which - if the plant is not actually closed-down - will enable the factory to transfer to full-time work with the remainder of its staff, by means of suitable measures with regard to factory organization and labor allocation. Workers in part-time employment, restricted to one locality are to be employed in factories in the neighborhood, from which workers of equal capabilities are to be withdrawn in corresponding numbers.

(page 1 286 of the original)

5. Female Labor.

Besides settling the demand for female workers for urgent tasks, great emphasis must be laid on substitution of women for male workers. The men thus made available are to be employed on work which cannot be done by women.

The planned substitution of female workers for men is to be undertaken above all, with regard to the direction of mobile labor. In the event of demands being made for male workers, investigations are to be made as to whether the work concerned could not be executed by female labor.

In addition, the jobs occupied by male workers must be thoroughly examined as to the possibility of replacing the men by women. The examinations of the plants as to their utilization of capacity and the correct employment of workers offer a good opportunity to do so. If necessary the Trade Inspection will take a hand in the selection of plants to be considered for the employment of women.

Insofar as the employment of women will only be possible after a certain period of training, the Labor Offices together with the plants must arrange this training of suitable persons in good time.

Apart from gaining female workers by combining and closing-down of plants, existing reserves of female workers must be mobilized for work to a considerably larger extent than hitherto, and by all available means - current examination of the labor-card register, re-employment of workers retired from work, recruitment measures of all kinds in collaboration with all agencies concerned with the registration of women who are not in possession of a labor-card. By order of the Fuehrer's Deputy, the National Socialist Women's Organization will introduce a recruiting drive during its meetings for the voluntary employment of women during the time of the war. I request that this action too be supported in every way.

6. Examination of demands for manpower.

By circular decree V 45552/199, dated 25 January 1940, I have already ordered that before forwarding any demands to the Reichsmueglich (Central Reich Labor Coordination Office) the local Labor Office has to examine whether the demands are justified or whether by measures taken within the plant, an adjustment could possibly be effected. From the reports hitherto submitted to me by the Regional Labor Offices it was not evident in many cases, whether the reported demand with respect to extent and type:

of workers was fully justified. In view of the present aggravation of the employment situation, the plants are to be requested as principle to submit a written justification of their demands, unless a previous examination has already established that the urgent demand is justified. In this connection it is not sufficient to point to new orders received and to deadlines set by the customer, but it is imperative for the plant to state exactly how many working hours are still required for the orders already in hand, which additional demands will be brought about by new orders and to what extent current orders are being filled.

It has frequently occurred that plants do not take the completion of current orders into consideration when submitting their demands and that, after having received workers for the execution of new orders, they proceed to obtain new orders in replacement of orders under completion. This development leads to an unequal concentration of labor at the cost of other plants which have to be deprived of workers. This can only be counteracted by forcing the plants to submit their work schedules, which also show the execution of their orders, when submitting their applications for workers.

In connection with the examination of applications, the Labor Offices, together with the other interested agencies, must endeavor to have applications from districts, where labor has already been most extensively recruited, transferred to less overburdened districts.

The mobilization of labor must, as a whole, be dominated by the following viewpoints:

- a) Absolute mobilization of all reserves which are still available, (closing-down, combing-out of plants, employment of women).

- b) Directing of all available or mobile labor wherever the demand is most urgent.
- c) Highest economy in labor allocation, strictest examination of all requirements.
- d) Allocation of skilled workers only for tasks which require skill; retraining and training according to the demand which is to be calculated on the basis of general requirements.
- e) Regular control and examination of the plants according to the number of orders in hand, and the execution of corresponding labor allocation measures.
- f) Furtherance of measures of labor direction from the point of view of labor allocation.

In order to adjust the activity of all offices of the administration of labor allocation to these points of view, I request that special training for the managers of all labor offices and the first experts for labor allocation be carried out immediately.

Furthermore, the committees necessary for a thorough examination of the plants, in particular in view of paragraphs 1, 3 and 5, have to be formed at once and the members must also be trained in a special one-day course.

The formation of committees is to be considered:

1. for the districts of every Labor Office. (Number of committees according to the size of the Labor Office) and for the investigation of plants with a staff of 50 to 200.

Plants with a staff of up to 50 should be investigated if possible by Labor Exchange and vocational training experts (branch-office managers, too).

Committees of the Labor Office might be suitably composed of a leading member of the Labor Office as director of the committee, a member of the Armament Committee, and - if occasion should arise - a member of the Industrial Inspection Board as technical consultant.

2. For the districts of the Regional Labor Office, 5 to 10 committees according to size. Composition: One expert for labor allocation from the Regional Labor Office or a specially experienced director of a Labor Office as director, members of the armament commissions and if necessary also a member of the subdistribution office. Plants in all industrial branches with a staff of 200 and more will be investigated by these commissions.

Furthermore, a number of Reich commissions composed as above will be appointed to investigate large plants and plants in districts where prevailing conditions differ considerably. The Regional Labor Offices may submit names of firms to be investigated by the Reich Commissions.

The burden caused to the plants by the investigation must be kept to the absolute minimum. Only data, information and documents must be asked for, which are absolutely necessary in order to be able to judge conditions existing in the plant.

With regard to the procedure of investigation, reference is made to Supplement 1 and 2³⁾, and to the official publication in the Reich Labor Gazette of 5 February 1940, p. V 55, concerning the allocation of suitable workers, which also contains statements on the activity of the Reich Commissions. A written statement must be made of the result of the investigation, and is to be filed among the plants' records. The findings of the investigation pertaining to labor allocation must always be acted upon at once.

It must be made possible for the most urgent demand for skilled workers and semi-skilled workers to be covered during the next months by means of this regular combing out. If the demand increases, more stringent rules must be applied when examining the question as to what labor can be made available.

By proxy
Dr. SYRUP

2) Supplement 1 see the following. Supplement 3 containing technical hints for carrying out the investigation, has not been printed here.

Malone I

6. **Veränderungen des Erfolgsheftesstandes durch Einführungen und Entlassungen seit dem 1. September 1953 bis zum Tage der Prüfung:**
(Aufgliederung nach Erfolgsheftstufen, nur soweit entsprechende Aufzeichnungen vorliegen)

	inwärtig	auswärtig
a) Einstellungen		
Mitarbeiterische Angestellte		
Technische Angestellte		
Hochschreiber		
Ungelehrte Arbeiter		
Ungelehrte Arbeiter		
Zusammen		
b) Entlassungen		
Mitarbeiterische Angestellte		
Technische Angestellte		
Hochschreiber		
Ungelehrte Arbeiter		
Ungelehrte Arbeiter		
Zusammen		

16. Uf-Stellungen und bei der Mehrmahl beizubehaltende Erfolgsquoten:

	ist entzogen der schuldig	ist entzogen der schuldig	ist im Besonderen bestimmte Befugnisse entzogen
Staatsumweltschutz-Behörde			
Landes-Behörde			
Bezirks-Behörde			
Bezirks-Behörde			
Bezirks-Behörde			
Zusammen			

7. **Wahrnehmung von Arbeitsinhalten:**

- a) Zahl der im Jahre 1949 Ausgerollten:
 b) Zahl 1. Jan. 1949 bis 31. März 1949 ausgerollt:
 c) Zur Zeit befinden sich in Ausbildung

• Beim Arbeitsamt ist zur Zeit der Prüfung die Sammlung folgender Arbeitskräfte beantragt worden:

	mannlich	weiblich
auswärtige Studierende		
Lehramts Studierende		
Nachschüler		
Studierende Arbeiter		
Studierende Arbeiterinnen		
Studienanfänger für das Lehramt		
Zusammen		

¹⁾ Angaben über die Arbeitszeit können für einzelne Betriebsabteilungen unterschiedliche Altersgruppen betreffen, ist die zur Zeit gültige Arbeitszeit aus der Herleitung anzunehmen, sind genügt die Angabe für Arbeitszeit aus dem Gesamtbetrieb.

Bemerkungen: Bei Vorlesen der Lern- und Metallwirtschaft und bei allen weiteren Vorlesungen, bei denen es die Prüfungskommission für notwendig hält, ist als Anlage zur Frage 4 der Metallwirtschaft zum Testumfeld der Prüfung nach den einzelnen Betriebsabteilungen (z. B. mechanische Werkstätten, Werkstatt, Zusammenbau usw.) oder nach den sonstigen betriebswirtschaftlichen Wirtschaftsaufstellungen zu gliedern. Außerdem müssen die Nachweise nach Berufsarten (z. B. Arbeiter, Werkzeugmacher, Zusammenbauer, Hilfsmitarbeiter usw.) und die angelernten Arbeiter nach der Art ihrer Berufsbildung (z. B. Kreislaufarbeiter, Arbeiter, Helfer, Hilfsarbeiter, Hilfsarbeiter usw.) angegeben sein.

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11/11/2019

Spendet für das Rote Kreuz!

Arbeitsamt
Landratsamt

Berufsblatt
 (aufungserstellung)

Beobachtung anhand der Betriebsblätter auszufüllen. Wenn über
vorhanden Betrieb keine Betriebsblätter vorliegt, ist Auswertung
vom Betrieb zu verlangen.

Waldschütz (germane: Hirtenbergschütz)

Waldstraße
Kirchhofstraße
Mit der Postkutsche

Wirtschaftsgruppe	Industrie
Zweigbetriebe in	
Samenherstellung in	

2. **Wichtig** (Soweit im Industriebereich an die Elektrofachkräfte Angaben über den Haftstromwert der abtesteten Gegenstände vorzulegen ist, werden diese Angaben zuzufügen)

	Juli 1939	Jan. 1940		
a) Inlandshandel.....				
davon Vorkriegs- lieferungen:				
unmittelbare.....				
mittelbare				
insgesamt				
b) Ausland- u. int. Aus- fuhrhändler.....				
c) Zusammen.....				

Man hört ab ist die Ausfallung der vom Detail zu werden

J. Wittenberg 1982

(Gewalttätigkeiten der Täter
verurteilt)

Wettbewerbsort	Stichtag nach Markt	Zahl der bewilligten Unternehmen
Zusammen		

*) Die Mitglieder sind in Gruppen von Auftragsgebern zusammengestellt. z. B. Volkswirtschaftsamt, Exportauftrag, Durchreisenauftrag, andere Aufträge.

4. Bestimmung des Erfolgsfaktorkoeffizienten:

Die Aufnahme für verschiedene Zeit, nur gegen einmündige Befragungen (bzw. Ver-
einbarung)

	Juli 1929	Jan. 1930	
a) Kaufm. Angestellte...			
b) Techn. Angestellte...			
c) Hocharbeiter ¹⁾ 2).....			
d) Angelernte Arbeiter ¹⁾			
e) Ungerlernte Arbeiter..			
f) Zusammen.....			
g) deren Frauen.....			

Die Zahl der Nachsteuerer beträgt zwischen 1/4 des gesamten Arbeitskräftebestandes und 1/2. (Die Nachsteuerer sind eine feste Arbeitskraft, die aus der Zahl der Arbeiter besteht, die auf ihrem gesamten Nachsteuerstand steht.)

[illegible]

EXCERPT FROM THE TREATISE BY MINISTERIAL COUNCILLOR DR. TILGNER
BERLIN ON "THE EMPLOYMENT OF FOREIGN MANPOWER IN GERMANY",
Berlin 1942.

Special copy from the Reich Labor Gazette.

I. The development

.....3. After the seizure of power.

After the seizure of power the increasing demand for manpower led to the recruiting of foreign manpower being commenced on a larger scale, and to its being systematically controlled. It was essential first of all to satisfy the demands of agriculture, as the shortage of labor was felt particularly in this economic sector. Besides the general foreign exchange situation made it necessary for the limited possibilities for the transfer of wages to be reserved in the first place to agriculture.

Industrial laborers were assigned on a large scale for work in the Reich territory after the incorporation of the Protectorate Bohemia and Moravia in Spring 1939. In the Protectorate numerous industrial laborers were unemployed. Their employment in the Reich meant a considerable social relief for the Protectorate but at the same time the shortage of manpower in the Reich ^{which} was strongly felt even at that time, was eased. It was possible during the time from Spring 1939 until the end of 1940 to recruit on a voluntary basis approximately 150,000 industrial laborers from the Protectorate for work in the Reich.

Up to the outbreak of this war the number of foreigners employed in Germany as dependant laborers had increased to more than half a million.

4. Since the outbreak of war.

The war has caused the number of foreigners employed in the Reich to increase considerably in a very short time. After the occupation of Poland unemployed industrial laborers as well as agricultural workers were available in great numbers in the territory which came under German sovereignty. The agencies of the German Administrative Office for Labor Allocation set to work immediately behind the fighting forces. They registered all the unemployed laborers of Polish nationality straight away, and enrolled them for work in the Reich according to their qualifications and their willingness to work.

Manpower was also procured from the territories occupied in 1940 (Denmark, Norway, the Netherlands, Belgium, France) in order to meet requirements in the Reich territory. The same applies to the territories occupied during the ^{campaign} Balkan /in Spring 1941, however with the difference that in Greece, sailors were - at any rate to ^{available} begin with -/for employment on German ships.

Particular significance must be attached to the employment of laborers from the friendly and neutral states. In that respect Italy takes the first place. The arrangements already made years ago between the Italian Government and the German Reich Government in regard to the employment of manpower, have meanwhile been extended considerably. Manpower was and is still being recruited also in Slovakia, in Bulgaria, Hungary, Roumania, Spain and other countries. Germany reached an agreement with independent Croatia soon after this state had been founded, providing for the employment of agricultural and industrial laborers in the Reich. The recruiting was remarkably successful.

DOCUMENT BOOK II SCHNEIDER
SCHNEIDER DOCUMENT No. 23

Towards the end of 1941 the recruiting was also initiated on a larger scale in the occupied Russian territories, after agricultural laborers had already been recruited in Lithuania in the Summer of 1941 for labor assignment in East Prussia.

5. The number of foreign laborers employed in Germany. The following list furnishes a survey of the foreign workers and employees working in the German Reich on 25 September 1941.

Nationality	Foreign workers and employees		
	male	female	total
1	2	3	4
Belgium	106 832	14 669	121 501
Bulgaria	14 352	224	14 576
Denmark	25 319	3 576	28 895
France	34 042	14 525	48 567
Italy	249 972	21 695	271 667
Former Yugoslavia	82 799	25 992	108 791
Netherlands	80 653	12 342	92 995
Former Poland	744 531	262 730	1007 261
Slovakia	53 993	26 044	80 037
Hungary	25 390	9 600	34 990
Nationals of the Protectorate	111 818	28 234	140 052
Others	<u>137 348</u>	<u>52 571</u>	<u>189 919</u>
Total	1667 349	472 204	2139 553

II. Principles of recruiting.

1. Central control.

During the time after the world war the employment of foreign manpower, especially in the industrial sector, was still free from state influence. Even after the Reichsanstalt fuer Arbeitsvermittlung und Arbeitslosenversicherung (National Institution for Employment Service and Unemployment Insurance) had been founded in 1927 and the employment service had therefore become the concern of the Reich, there were only initial and feeble signs of an employment policy governed by the state. It was not until 1933 - as a result of the political revolution, that a fundamental change also developed in the employment policy. Employment problems were no longer delegated to the periphery of political events but became an integral part of general state policy. In an economy controlled on the basis of state political necessities there was no longer room for free action as regards employment in general and the employment of foreigners in particular. The agencies for labor allocation were completely reorganized and were vested with extensive authority in connection with the performance of their new tasks.

When the industry had absorbed the unemployed who were fit for work, and when the demand for manpower had become ever greater owing to the upward trend in production, foreign workers were increasingly employed in agriculture and soon also in the industrial sector of economy.

The principles governing the employment of foreign workers are the same as are applicable to indigenous workers. Apart from that, the recruiting of foreign manpower and its allocation is handled exclusively by the Administrative Office for Labor Allocation and in accordance with requirements and the state political importance of the work. After the outbreak of war

the necessity had become even more apparent than before for governing labor allocation systematically, furthermore for making arrangements according to which the recruiting and procurement of foreign manpower was also to be handled uniformly, in accordance with the overall scheme, by the agencies of the Administrative Office for Labor Allocation; for only in this way is it possible to direct the limited number of foreign laborers available to those places where they are particularly urgently needed.

Therefore - based on the Law dated 5 October 1935 concerning Employment Service, Vocational Guidance and Placement Service for Apprentices (Reich Law Gazette I, page 1281) and the Decree concerning foreign manpower, dated 23 January 1933 (Reich Law Gazette I, page 26) - the recruiting and the employment of foreign manpower is to be the exclusive concern of the Administrative Office for Labor Allocation. In addition the competency of the Administrative Office for Labor Allocation has specifically been established on the basis of arrangements made with a number of foreign states. The direct recruiting of foreign workers by firms or authorities in need of them, does therefore not only run counter to German law, but also to international obligations incurred....

2. Participation of the enterprises.

The Reich Labor Minister has reserved the right to permit representatives of enterprises, economic groups etc. to participate in the recruitment in exceptional cases. Such participation in the recruiting abroad will only be considered, if a greater number of workers with special qualifications are to be recruited and the consultation of experts appears advisable. These are in that case, however, not only to act in the interests of one enterprise but are to give advice in general, or are to act for a group of enterprises of the same kind

4. Work on a voluntary basis.

The economic success which is aimed at by the recruiting of foreign workers can only be attained, if the foreign worker is willing to work in the Reich of his own accord; only in that case can satisfactory working efficiency be expected. When carrying out recruiting, therefore, no coercion nor pressure must be applied. Experience has shown, that the recruiting abroad is promoted best from the point of view of propaganda, if foreign laborers, who are already working in the Reich, express their satisfaction, in letters or in any other way, as to the reception given to them in the Reich and with regard to the social and other conditions. The voluntary basis is to be retained. The forced conscription of laborers, the practice of which is again and again falsely reported by the enemy propaganda, would have an unfavorable effect in the labor allocation scheme.

5. Equal rights and duties.

The conditions under which the foreign laborers will have to work in the Reich are of fundamental importance for the results of the recruiting. The foreign laborers are generally placed on the same level with regard to working conditions as the Reich German laborers. They are generally entitled to the same rights within the wage and plant regulations as the corresponding German laborers, insofar as no special arrangements have been made between Germany and the respective state.

(Dunkert-Exhibit No. 22)

Excerpt
from
Reich Labor Gazette
Year 1942, Part I

LE C A B E

Page 244

The Planning Ministry of the Four Year Plan

Planning Ministry General

For the Allocation of Labor Berlin, 30 April 1942

GA. Va 5750. 11/642

To the Regional Labor Offices and Labor Offices.

French Agency for the care of French workers employed
in the Reich.

I herewith publish the following letter of the German
Foreign Office, dated 10 April 1942 - Pol. II (Political
Department II) 1253/42 :

"The Reich Government has informed the French Government
that with respect to the care of voluntary French workers in
Germany it agrees to the following arrangement:

- I. Under the direction of an assessor SC.FINI an
Agency for French civilian workers will be
established in Berlin apart from the office for
prisoners of war already in existence. The
Reich Government will make available a building
to house this Agency. The Agency may establish
branch offices in four other German towns.

The Agency is responsible for the care for French civilian workers in Germany. It supervises the observation of the contracts concluded with the recruited workers. It may accept applications from the workers and forward them to the competent agencies and via it the elimination of friction. It may issue certificates and documents to the workers for submission to French authorities. Within its competence this Agency may conduct negotiations with German authorities and offices.

Up to 12 officials(excluding the office staff) may be assigned to the Agency for the care of French civilian workers and its branch offices. These officials will be granted the internationally applicable prerogatives and diplomatic immunity.

The head of the entire French Delegation will moreover be granted the diplomatic prerogatives of personal immunity as well as exemption from German jurisdiction and police power. II. according to an agreement with the Reich authorities interested in the allocation of labor, the planned branch offices are to be established in the following towns: Munich, Frankfurt/Main, Dresden and Hanover. The officials appointed by the French Government

have already arrived in Berlin and will shortly proceed to
their designated location. The French Government has
assisted in the establishment of the Agency, because it
will thus have the opportunity to remain in constant contact
with its citizens working in Germany. The German authorities
are also interested in the smooth functioning of the Agency, as
its establishment opens new recruiting possibilities to the
Nazi-German offices in France who are commissioned with
that task."

By order

LE. FISCHER

Reich Labor Gazette Part I
1942

pages 257/58.

Decree of the Fuehrer concerning a Plenipotentiary General for the allocation of labor, dated 21 March 1942.

The procurement of manpower required for the entire war economy, in particular for armaments, demands the coordinated direction of the allocation - in accordance with the requirements of the war economy - of all available manpower, including the recruits for foreign labor and the prisoners of war, as well as the mobilization of all manpower not yet fully utilized in the Greater German Reich, the Protectorate, Generalgouvernement and the occupied territories.

This task will be carried out by Reich Governor and Gauleiter Fritz SAUBERT as the Plenipotentiary General for the allocation of labor under the Four Year Plan. In this capacity he is directly subordinate to the Plenipotentiary of the Four Year Plan.

For the execution of his tasks the competent departments III (economy) and V (labor allocation) of the Reich Labor Ministry and its subordinate offices are at the disposal of the Plenipotentiary General for the allocation of labor.

Fuehrer Headquarters, 21 March 1942

The Fuehrer

Adolf HITLER

The Reich Minister and Chief of the
Reich Chancellery

Dr. LUDWIG

The Chief of the High Command of
the Wehrmacht

ARITEL

The Plenipotentiary of the Four Year Plan

Plenipotentiary General for the

Allocation of Labor.

Berlin, 24 April 1942

Gen. 311/42 c/RI.

To the Presidents of the Regional Labor Offices,

the Reich Labor Trustees,

the Reich Trustee of Civil Service,

Subject: Appointment of a Plenipotentiary General for the
Allocation of Labor.

By the circular decree of the Reich Labor Ministry, dated 25 March 1942 - Va 550/117 - you were informed of the Fuehrer decree of 21 March 1942, by which I have been appointed Plenipotentiary General for the Allocation of Labor under the Four Year Plan. In connection with this Fuehrer decree, the Reich Marshal of the Greater German Reich and Plenipotentiary of the Four Year Plan, Hermann Goering, issued an ordinance on 27 March 1942, the text of which I am quoting below:

Berlin, 27 March 1942

The Reich Marshal of the

Greater German Reich

Plenipotentiary of the Four Year Plan.

Pursuant to the attached Fuehrer decree of 21 March 1942 I order the following:

Re: Reich Labor Gazette.

1. The Office Groups Allocation of Labor are dissolved. Their tasks (procurement and distribution of manpower, regulation of working conditions) will be taken over by the Plenipotentiary General for the Allocation of Labor, who is directly subordinated to me.
 2. The Plenipotentiary General for the Allocation of Labor is charged with the regulation of labor conditions (wage policy) for the workers employed in the Reich territory according to the requirements of labor allocation.
 3. The Plenipotentiary General for the Allocation of Labor has been appointed under the Four Year Plan. If a new law had to be passed or an existing law is to be amended, he will submit suitable suggestions to me.
 4. For the execution of his tasks, the Plenipotentiary General for the Allocation of Labor is conferred the authority vested in me by the Fuehrer to issue directives to the supreme Reich authorities, their subordinated agencies as well as to the Party organs, the organizations and affiliated associations, to the Reich Protector, the Governor General, the Military Commanders and the Chiefs of the civilian administrations.
- Ordinances and directives of fundamental importance are to be previously submitted to me.

Goring.

In order to fulfill our task, it is above all necessary to allocate all the required workers automatically and speedily to the transportation field as early as possible this spring and early summer.

Fritz SAUTER

Ordinance No. 2 of the Plenipotentiary General for the Allocation of Labor concerning the intensification of uniformity in the execution of the tasks in the sphere of labor allocation and fixing of wages.

Dated 24 April 1942

The fulfillment of the task set to me by the Fuehrer requires the strictest coordination of the offices responsible for the direction of labor allocation and fixing of wages as well as a united effort toward the common aim. I have to see the necessary steps to achieve this. In this connection I have emphatically advised the chief offices of the necessity for close and efficient co-operation with the state and Party organs concerned as well as with the economy, and have issued appropriate directives. I have furthermore appointed the Gauleiter of the NSDAP as my Plenipotentiaries for the Allocation of Labor in the Gau territories under their supervision and their aid and will be to ensure smooth co-operation of all agencies concerned with problems of labor allocation. Thus the prerequisites for efficient and smooth co-operation of all the forces active in the sphere of labor allocation and fixing of wages are created.

It is moreover essential for the success of the task that from now on all organs of the Party, the State and the economy, the plant managers as well as all other agencies, organizations and persons, who are not responsible for the direction of labor allocation and fixing of wages, refrain from interfering in the said tasks unless their co-operation is specifically requested by the competent offices.

- 3 -

re: Reich Labor Gazette

No more interference of unauthorized persons, even if their action is inspired by the best intentions, will be tolerated in the future!

On the basis of the orders given me by the Fuehrer and the Reich Marshal of the Greater German Reich I therefore decree:

1. The execution of all measures for the direction of labor allocation (including the direction of the younger generation) and for the fixing of wages, in particular the procurement, selection, distribution, transfer and allocation of manpower (including prisoners of war released for civilian employment), as well as the recruitment and allocation of foreign workers is exclusively the task of the administrative offices of labor allocation and of the offices commissioned by me or other competent authorities.
2. Unauthorized offices, organizations and persons are forbidden to execute the measures listed under No. 1.
3. Persons violating my ordinance will be called to account.

3.00.32

Reich Labor Gazette 1942
No. 16, part I, page 272.

Ordinance No. 1 regarding Appointment of Gauleiters as deputies for Labor Mobilization in the Gau (Dated 6 April 1942).

I hereby appoint the Gauleiters of the NSDAP as my deputies for Labor Mobilization in the Gau areas under their administration.

A. Their tasks are as follows:

1. To achieve smooth cooperation between all government, Party, Wehrmacht and economy agencies concerned with questions of Labor Mobilization, and thus to bring about a settlement between the varying interpretations and requirements, so as to derive the utmost benefit in the field of labor mobilization.
It must be remembered in this connection that in the Military areas, liaison between civilian and Wehrmacht authorities, is the duty of the Reich Defense Commissars, according to their assignments as set down by decree of 1 September 1939 (Reich Law Gazette I, page 1585).
2. Special welfare schemes for all those mobilized for labor service and working away from their homes.
3. Protection of women and juveniles mobilized for labor service against damage to their physical and psychological well-being. Special regulations in this connection are to be issued in agreement with the Reich Health Leader.
4. Check-up on the effects of mobilization of all foreign male and female workers. Special regulations will be issued in this connection.
5. Check-up on proper diet, housing and treatment of all foreign manpower and of prisoners-of-war mobilized for labor service.
6. Propaganda and information showing war essential importance of labor mobilization.
7. Far-reaching assistance to labor mobilization agencies in the enactment of the instructions of the Plenipotentiary General for the Mobilization of Labor.
8. Effecting the mobilization of juveniles and schools for all necessary agricultural work within the limits of the uniform Reich regulations.
9. To ensure enactment of inter-area mobilization in accordance with general planning.
10. Periodical reports on the position and conditions of labor mobilization in the Gau and on the effects of mobilization measures.

B. Enactment.

1. The presidents of the National Employment Offices and their staffs are instructed to be at the disposal of the Gauleiters, for any information or consultation, and to comply with their suggestions and requests for improvement on labor mobilization and orderly procedure in conformity with existing regulations, laws.

Pursuant to Reich Labor Gazette 1942, No. 16 part I, page 272

2. It is likewise incumbent upon general and interior administration agencies, as well as economy and especially agricultural authorities and national food offices, according to an agreement with the respective Reich Ministers, to cooperate with the Gauleiters in the matter of labor mobilization within the limits of their instructions. Special regulations in this regard will be issued. Industrial-economy organizations are likewise to participate.

With the above commissioning of the Gauleiters of the NSDAP I intend, by coordinating all forces, to achieve the greatest possible success in labor mobilization for German armament, war and food economy, as far as ever this is possible, and compatible with the sense of responsibility of the various offices of the Party, the Government, Wehrmacht and economic organizations towards their superior offices. For this purpose I also wish in particular to mobilize the enormous inner force of National Socialist world philosophy with regard to human welfare and guidance by the Party.

The Plenipotentiary for the 4 Year Plan

The Plenipotentiary General for the Mobilization of
Labor.

SAUCKEL

EXCERPT FROM DOCUMENT BOOK SAUCKEL:

SAUCKEL 15 - 3044-PS - US - 206

TO 711 405/42

Regulation No. 4 of the Plenipotentiary
General for the Mobilization of Labor on
the recruiting, care, lodging, feeding and
treatment of foreign workers of both
sexes of 7 May 1942.

In the tremendous struggle of fate of Europe, the Greater German Reich is constrained to import a tremendous number of non-German (foreign) workers of both sexes into the Reich to secure its armament and food supply. All these working people, prisoners of war included, will be treated, according to the oldest traditions of the German people and of our race, correctly, decently, and humanely.

The recruitment of foreign labor will be done on the fundamental basis of volunteering. Where, however, in the occupied territories the appeal for volunteers does not suffice, obligatory service and drafting must under all circumstances be undertaken. This is an indisputable requirement of our labor situation.

Recruitment must be carried out to benefit the prestige of the Greater German Reich and the will of the Fuehrer. Irresponsible promises regarding pay, contracts, housing, free time etc. must not be made. Living conditions in Germany itself, which are better than any where else in Europe, can and should be emphasized, without exaggeration being necessary. Jewish methods of catching people such

as they are accustomed to in the democratic states of the capitalistic age, are unworthy of the Nazi and Socialist Greater German Reich. On the basis of the above mentioned principles, I give the following detailed instructions:

I. General.

1. The recruitment of foreign labor in the areas occupied by Germany in allied, friendly, or neutral states will be carried out exclusively by my commissioners, or by the competent German military or civil agencies for the tasks of labor mobilization. Other agencies, organizations or persons are not allowed to recruit foreign labor. Any exceptions need my express approval. I will also determine whether, in what way, and to what extent enterprises (corporations, businesses, administrations) are to take part in the recruitment of foreign labor.

Those to take part in the recruitment are subordinated during the carrying out of recruiting to my commissioners or the competent military or civil agencies. My deputies in allied, friendly or neutral foreign countries are the present foreign agencies or Main Department V of the Reich Foreign Minister. Effective immediately they will have the official names of:

"The Deputy for the Four Year Plan;
The Plenipotentiary General for Labor Mobilization;
Department (e.g. Italy etc.)."

I shall appoint deputies in other countries as I think fit.

2. The care of foreign labor will be carried out.

a) up to the Reich border:

By my commissioners or - in the occupied areas - by the competent military or civil labor mobilization agencies.

Care of the labor will be carried out in cooperation with the respective competent foreign organizations.

b) within the area of the Reich:

1. By the German Labor Front in the case of non-agricultural workers.
2. By the Reich Food Administration in the case of agricultural workers. The German Labor Front and the German Food Administration are bound by the directives in the carrying out of their tasks of caring for the workers.

The agencies of the labor mobilization administration are to give far-reaching support to the German Labor Front and the German Food Administration in the fulfillment of their assigned tasks.

My competence for the execution of the care for foreign labor is not prejudiced by the assignment of these tasks to the German Labor Front and the Reich Food Administration.

II. Execution of Activities.

1. a) Sole responsibility for recruitment in allied, friendly or neutral foreign countries, lies with my deputies. The latter must confer with the head of the respective German diplomatic representation on all questions of political importance, and are in this connection subject to the instructions of the Mission Chief (Botschaftschef) or his deputies.

The Mission Chiefs must be notified of all basic labor mobilization questions. Negotiations with foreign authorities or organizations abroad, concerning fundamental questions, are to be conducted with the consent of the respective Reich representation or with the latter as intermediary. Discussions with foreign authorities and organizations abroad, concerning

technicalities of recruitment may be conducted by my deputy direct.

The Foreign Office has instructed Germany's diplomatic and consular chiefs abroad to cooperate fully with my deputies, and especially to ensure - existing political conditions permitting - that my deputies are unhampered by unfounded interference from foreign authorities, organizations or other agencies and individuals.

If Reich Germans reside in the recruitment areas, my deputies will keep in close touch with the respective German Race Group Chief - insofar as political conditions permit, and insofar as the respective diplomatic chief approves.

- b) For the respective recruitment areas in the areas occupied by the German agencies for the mobilization of the labor of the German military or civil administration installed in these areas are exclusively responsible. I reserve for myself the right to send special representatives to these agencies from time to time.
- c) In the performance of their tasks, my deputies will cooperate closely with competent foreign authorities and organizations in recruitment in allied, friendly or neutral countries, and especially with the respective agencies appointed in interstate agreements. The direction of recruitment should always be assigned to the German side, wherever this is at all possible. Apart from this, my deputies must always bear in mind that the foreigners whom they meet, will regard them, at work and off duty, as representatives of National Socialist Greater Germany.

2. In recruiting the following points are to be observed.

a) Pre-recruitment (Propaganda).

Prior to the actual recruitment, the press or other means of propaganda of the country concerned must fully enlighten the population as to the type of job, work and place of work, for which the manpower is required.

Pre-recruitment propaganda needs the approval of the competent Reich representation.

b) Publication of work and pay conditions as well as of regulations on transferring pay.

1. Foreign workers are to be informed in detail at the time of recruitment on the basis of the recruiting orders about the pay and work conditions of the firm in the German Reich, insofar as this is possible at all. In this regard, information on the approximate amount of pay deductions should be given, so that persons recruited receive as clear picture as possible of their actual earning in the Reich. In no case may the persons recruited be given promises which are false or impossible to fulfill.

2. The persons recruited are to be informed exactly on the possibilities existing for the transfer of wage savings.

c) Information of the general living conditions in the Reich.

The foreign workers are to be informed at the time of recruiting that the living conditions in the German Reich are better than in the rest of Europe. In this connection, however, in order to avoid any misunderstanding it must be pointed out that in Germany just as at home, the persons recruited are subject to limitations in housing, food, and other living conditions brought about by war.

d) Vocational Suitability.

Skilled and trained workers must in principle be assured work

in their own occupation. If, in exceptional cases, only other jobs are available, the individuals affected must be told. The recruiting officer will first test vocational suitability, using any existing occupational certificates, and if necessary indigenous experts. In special cases German experts are available.

e) Physical Examination.

The foreign workers are to be medically examined (individual examinations) in immediate conjunction with the vocational testing, by officially engaged physicians of the country where the recruiting takes place according to official German standards. Strict standards will be applied here in the general interest. If necessary, German physicians will be made available for medical examinations. If a German physician may also be engaged.

f) Conclusion of labor contracts, issuance of recruitment certificates. Written labor contracts are to be concluded as a matter of principle according to the international labor agreements. Where no international agreement exists a written certificate of recruitment which contains the pay and work conditions, in every case to be drawn up for the persons recruited. A copy of the labor contract or a certificate of recruitment in his mother tongue is to be given at the time of recruitment to every worker. Insofar as the conclusion of collective contracts for work is planned (e.g., in agriculture) a copy of the contract in the workers' mother tongue is to be given to the leader of the group.

I reserve for myself the right to make relevant changes in the above regulation in each individual case.

g) Clothing, footwear.

The conditions in the German Reich caused by war make it necessary that foreign workers bring with them clothing suitable for their work, including footwear. Insofar as supply of work clothing and footwear by international agreement is not already the responsibility of the country where recruitment takes place, the recruiting agency must devote particular care to this question.

Other clothing, laundry and footwear must also be brought by the workers from their homeland, since it is not possible for them, at this time, to obtain things of this nature in the Reich.

h) Personal identification papers.

The foreign workers must have passes when crossing the German border and, while their stay in the Reich territory, either a valid passport from their homeland or an official ^{document} substitute recognized in Germany in lieu of a passport. The passport or alternative document must bear an official German visa of the competent German diplomatic mission. In the case of collective transports, collective visas affixed to the transport lists are sufficient.

i) General information pamphlet.

So far as possible, foreign workers are already at the time of their recruitment to be issued with a pamphlet on pay and work conditions, which in general gives an explanation about working hours, social insurance, tax, work clothes, transfer of pay, vacations, home leave, passport matters, and other work conditions (rights and duties) under which the workers male and female, have to work in the Reich.

III. Execution of transports into the Reich.

a) basic principles.

After recruitment and during the transport into the Reich correct, faultless treatment of the workers, male and female, is to be observed, in order that willingness to work and the confidence of the recruits may not be lost already during transport.

In workers recruited are as a rule to be taken on collective transports with special trains, or if necessary, in group transports on regular trains.

b) assembly and supervision of the transports.

The assembly and operation of the transports to the place of work is the task of my representatives; in the occupied territories, it is that of the labor mobilization agencies of the military and civil administration. In the countries in which foreign representatives are to direct the transports up to the frontier, the German recruitment agency must take part in the supervision and care of the transports.

The chief in charge of the transport must see to it that during the transport

1. the discipline and cleanliness prevail. If necessary

hygienic precautions must be assured under all circumstances in each transport and if temporary billeting in a collective camp is provided, then in every collective camp.

2. Care will not be overlooked.

3. A sufficient number of toilets - also at stops and in the collective camps (or workers' huts) be available.

4. Male and female members of the transport be separated.

5. Ethnic Germans, as far as possible, be separated from the foreign members of the transport.

6. Friction among the various foreign elements of the transport be prevented through suitable billeting.

Furthermore it is up to the proficiency and resourcefulness of those who assemble and who bear the responsibility for the transport, regardless of any difficulty, to organize it in such a manner that no member of the transport suffers injuries, which would incapacitate him from the start for efficient employment in the Reich.

c) Food supplies for the transport.

The food supply for the industrial workers in transit within the Reich territory, is the duty of the DLF (German Labor Front), Office for labor mobilization. For the rest of the offices are in charge of the food supplies for the transport. Attention is directed here to the fact that the individual countries where recruitments have taken place, are obliged by mutual agreement to see to the food supplies for the transports up to the border of their own country.

The assurance of sufficient and substantial food supplies for the members of the transport as far as war-conditions allow, is of special importance. Special care must therefore be devoted to the solution of that question.

d) Delousing.

As far as the foreign workers originate from areas whence the introduction of contagious diseases must be feared, they must if necessary be deloused several times. The second delousing is to be combined with a repeated medical check-up. This must take place in Reich territory in transit camps provided for this purpose. During their stay in the Reich territory a prompt and faultless treatment of sick and disabled workers is an imperative under all circumstances.

IV. Welfare.

The welfare for the foreign workers employed in the Reich will be handled:

- a) by the German Reich Food Administration in the case of agricultural workers,
- b) by the DLF (German Labor Front) in the case of non-agricultural workers.

As most of the male and female foreign non-agricultural workers are housed in camps, especially rigid co-ordination of welfare measures is required. I therefore decree the following:

1. All camps employing foreign non-agricultural workers, regardless of who furnishes or maintains the camps will be cared for by the German Workers Front (Office of Labor Mobilization).

The camp personnel may, accordingly, be employed only in agreement with the German workers front (Office of Labor Mobilization). The camp leader in each case requires the approval by the German workers front (Office of Work Mobilization) for the execution of his task. The German Workers Front (Office of Labor Mobilization) is responsible for the uniform adjustment and continuous training of the camp personnel. The appointment of Soviet workers as guards and welfare workers in the camps is subject to special regulations on the basis of an agreement between the Reichsfuehrer SS and the Chief of the German Workers Front.

2. The welfare work for foreign workers by national organizations (welfare workers) is permissible only if established and carried out within the framework of the German Workers Front Organization.

3. In the camps, only those camp orders set up by the German Workers Front in agreement with me and the other competent offices are binding. With regard to the welfare work I set up the following directives:

a) Housing.

The accommodations for foreign male and female workers, must be furnished with the requisite equipment and should be models of order, cleanliness and hygiene. All labor mobilization offices, the agencies of the DAF (German Workers Front) and

DOCUMENT BOOK II SCHNEIDER
SCHNEIDER DOCUMENT No.

the Reich Food Estate and the work managers must all strive in mutual competition that all foreign male and female workers may be convinced

1. of German superiority, German skill and of German organizations as well as
2. of German justice, integrity and fairness in public life, regardless which nations may be involved, whether of kindred blood or from the Soviet areas.

The following details must be noted:

The foreign industrial workers will on principle be housed in community camps. As far as it is at all possible, separate camps are to be provided for the various nations. In all cases, separate barracks must be provided for the members of different nationality. Definite consideration must be given to the mutual political adjustments between the nations.

The quartering in private houses is considered only in special cases (e.g. office workers).

The camps must be absolutely unobjectionable from a sanitary point of view. The equipment must be suitable for its purpose, it should however be in accordance ^{with} war conditions. For example the issue of bed linen is determined by factory stocks.

New bed linen can be ordered by the factories only in exceptional cases and then only for women workers.

The quartering of the foreign agricultural workers follows the same principles, in accordance with the special conditions existing in German agriculture.

Special care should be taken that the accommodation for foreign male and female workers corresponds to their national customs as closely as possible, in as far as war conditions permit.

b) Feeding.

The foreign workers receive their rations by the Reichsminister for food and agriculture, which are based on the normal rations for German civilians. In cases, where workers are housed in camps, community feeding will be guaranteed throughout. Here consideration must be given to the native customs of the foreign workers insofar as war conditions allow. Employment of native cooks is encouraged.

c) Leisure time activities.

Leisure time activities for foreign male and female workers within and outside the camps, is to be arranged as far as war-time possibilities permit and according to the special qualifications of the workers. Great consideration must be paid to the national customs of the foreign male and female workers.

In planning and putting into effect the cultural treatment of foreign workers, action must be taken in agreement with the Organization of the foreign workers, which are represented by the German workers front, and this question must be handled in accordance with the guiding principles which are suggested by the foreign office for the respective individual nationalities.

The German Workers Front and the Reich Food Estate in carrying out this task will utilize the experience gained by the existing, officially recognized international societies in Germany.

d) Transfer of savings.

The workers may in accordance with the regulations existing for this purpose, send the total or part of their savings to their families. The amounts vary for the individual countries as well as for agricultural and non-agricultural workers and are listed in the information leaflets, which are sent to ^{the} plant leaders and the

workers by the offices which effect the transfer of the savings.

e) Letters and Parcel Post.

Letters and parcels of foreign workers to their native countries must be assured.

f) Furloughs.

The regulation and management of furloughs of foreign workers is the task of the DAF, in collaboration with other offices competent for these questions.

V. Special treatment of individual groups of foreign workers.

The special regulations concerning the treatment of individual groups of foreign workers will remain unchanged.

VI. Supervision and examination of regulations.

In the German Zone the Gauleiter will have the right to inspect and control the execution of these orders.

Signed: SAUCKEL

DOCUMENT BOOK III, SCHENKER
SCHENKER DOCUMENT No. 103

ISSUE

concerning the preservation of manpower in the war economy
as of 20 May 1943.

(Excerpt from "Reich Law Gazette" 1943, Part I of 22 May 1943
No. 55, page 340).

In order to achieve maximum performance in the defense industries it is imperative to preserve the vitally necessary manpower in plants essential to the war economy. In particular, changing the place of work from plants integrated with the war economy must be restricted to quite special and particularly urgent isolated cases. In supplementation of the decree concerning the restriction of changing the place of work, dated 1 September 1939 (Reich Law Gazette I, page 1685), and in pursuance of the decree concerning the execution of the Four Year Plan, dated 15 October 1936 (Reich Law Gazette I, page 837) I decree as follows:

Article 1

In plants integrated with the war economy, employment contracts can be cancelled only by the Labor Office. As far as employment contracts have already been cancelled pending a future term they are herewith renewed until further notice. The same applies to contracts of employment made for a fixed term which normally would end on expiration.

Article 2

Whoever without an order from the Labor Office leaves his

place of employment in a plant integrated with the war economy or dismisses an employee from a plant integrated in the war economy shall be punished by imprisonment and a fine, the latter to an unlimited amount, or by one of these penalties, according to subsection II of the Second Decree concerning the execution of the Four Year Plan, dated 5 November 1936 (Reich Law Gazette I, page 936).

Article 3

Detailed regulations are issued by the Plenipotentiary General for the allocation of Labor. In particular, he determines the plants which are integrated with the war economy within the meaning of the present decree, and the circle of persons involved.

Article 4

- (1) This decree comes into force on the date of promulgation.
- (2) It becomes void on 1 October 1942.

Berlin, 20 May 1942

The Commissioner for the Four Year Plan

(signed:) GOEBBELS

Reich Marshal

A f f i d a v i t .

I, Eugen HINZEMAY, born 23 February 1891 in Ludwigsburg/Wuerttemberg, residing in Speyer/on Rhine, Ludwigstr. 14, have been warned that I render myself liable to punishment by making a false affidavit. I hereby depose that my statement is true and was made to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

- 1.) I was Regierungsdirektor (governmental director) and head of the Ludwigs-hafen/Rhine Labor Office from 1937 to 1945. My work covered the administrative side of labor allocation questions, and I was also in charge of district labor mobilization. I am therefore able to judge the position of a plant leader (Betriebs-fuehrer) with regard to the labor mobilization policy as a whole.
- 2.) Already before the war the Reich pursued a labor allocation policy, according to which the owner, or the factory manager, as the case may be, was greatly restricted by official instructions, and had to expect periodic factory checks. With the outbreak of hostilities, all questions pertaining to labor mobilization, i.e. recruitment, allocation, placement, dismissal, pay, leave and general welfare, were handled to a still greater extent by the authorities, thus freeing the plant leader more and more from his responsibilities. The government regarded the tasks of labor mobilization as so important for securing vital war production, that in 1942 a special Plenipotentiary General for Labor Mobilization was appointed and vested with extensive powers. This Plenipotentiary General appointed Gauleiters as his deputies in the individual Gaue, by his decree of No. 1 of 6 April 1942, at the same ^{time} instructing the other agencies to cooperate with him in all questions pertaining to labor mobilization. Every workers, male

or female, regardless of whether they were German or foreign civilians or prisoners-of-war, had to be allocated by name or prison number, through the labor mobilization authority, i.e. the competent Labor Office or Regional Labor Office.

3.) The allocation of workers was affected according to an exact method of allocation by priority. Every enterprise had to send in special forms to the competent Reich agencies, stating their manpower requirements on the strength of the compulsory production quota fixed for that particular enterprise by a Reich department. The Reich agencies on their part instructed the competent Labor Offices through the highest labor mobilization authorities, with regard to allocations necessary to meet the manpower demands.

The factory reports on the number of employed and labor requirements were submitted monthly and contained exact descriptions of the type of work and job classification, as well as the tasks of production. The recruitment agencies of the Plenipotentiary General for Labor Mobilization allocated foreign workers to employment offices in so far as they had no free labor at their disposal. The plant leader had no influence whatsoever in the matter of allocation. For instance, it was not up to him to refuse an allocation of workers on the grounds that the policy of the firm was to employ only German and not foreign workers, or prisoners-of-war.

In his ordinance No. 2 of 24 April 1942 the Plenipotentiary General for Labor Mobilization emphasized that for the success of his work it was imperative that from now on all Party, government and economy agencies, plant leaders, as well as all other agencies, institutions and persons, who did not have a reasonable part in labor mobilization and wage policy, would have to refrain from concerning themselves with such tasks. The Plenipotentiary General for Labor mobilization therefore decreed that the

enactment of all measures for the direction of labor mobilization (including direction of replacements) and wage policy, especially procurement, selection, distribution, transfer, allocation of manpower including prisoners-of-war designated for civilian employment, as well as recruitment of foreign workers, would be the exclusive task of the offices of the labor mobilization administration, and agencies appointed by the Plenipotentiary General or other competent authorities. In this decree, the Plenipotentiary General for Labor Mobilization stated also that he would prosecute persons acting contrary to his decree.

- 4.) If ordinance No. 2 greatly reduced the plant leader's influence in labor allocation and wage policy matters, ordinance No. 4 issued by the Plenipotentiary on 5 July 1942 also greatly curtailed his powers with regard to the welfare of foreign workers. According to the ordinance the welfare of the non-agricultural foreign workers employed in the Reich, was to be the concern of the German Labor Front, especially housing, food, leisure time activities, transfer of wages, savings, letter and parcel post, furlough travel. As the German Labor Front did not have appropriate social institutions in already existing factories, the managements of many factories continued to a great extent in their welfare activities for the foreign workers, in spite of this instruction, and they also took steps for a progressive improvement of their living conditions.
- 5.) During 1942 and especially during 1943 and 1944, the problem of manpower procurement became more and more difficult and labor procurement measures naturally became more stringent. On the one hand factories were told to introduce longer working hours, and find more systematic working methods, on

the other hand, conscription laws were also promulgated abroad. The legal basis for this was again ordinance No. 4, which ruled that for procurement of manpower, conscription and compulsory drafts were now to be adopted in the occupied territories too.

The difference between voluntary and conscripted foreign workers was, that the former had signed a work agreement, valid for a fixed time, while the latter's employment was indefinite, i.e. for the duration of the war.

6.) Prisoners-of-war could only be sent to factories, or enterprises, where international regulations permitted their employment. It was the task of military authorities to enforce these regulations and to provide guards for the prisoners-of-war,

Ludwigshafen/Rhine,

I hereby certify and attest that the above signature affixed before attorney Friedrich Vilh. WAGNER, is that of Eugen MINZEMAY, born 23 February 1891, residing in Speyer/Rhine, Ludwigstr. 14.

Ludwigshafen/Rhine, 24 January 1948

F. V. WAGNER
Attorney

DOCUMENT BOOK III SCHNEIDER
SCHNEIDER DOCUMENT N. 210

Excerpt from the Protocol

OF THE MILITARY TRIBUNAL IV, CASE V
MUEHNBERG, GERMANY, 30 September 1947

(Interrogation of the witness Dr. Walter LETSCH).

Pages 7772 - 7781

.....

Qu.: Witness, from what date onward were workers in Germany no longer allowed to take up employment without direction by the labor exchanges?

A.: Well, general compulsory consent from the labor exchanges for assignment was established by the law for the curtailment of the free movement of labor, dated 1 September 1939, unless I am wrong. Before that date there were certain provisions of that law, by which in certain professions, occupations, where there was a shortage, a change of occupation was only possible with the consent of the labor exchange.

Qu.: Was that the law of 5 October 1935?

A.: No, on 1 October - no, on 1 September 1939 the law was promulgated which decreed that it was dependent on the approval of the labor exchange whether a labor contract could be dissolved.

Qu.: Is it correct, witness, on you need the dissolution of a labor-contract?

A.: Yes.

Qu.: But what about the entering into a new labor contract? If I am correctly informed that had depended since 1935 on approval by the labor exchanges, is that correct?

A.: I don't think so. I believe that related only to certain occupations, a limited number of occupations.

Qu.: To clear up this matter, I should like to quote to you one sentence from your article. Perhaps that will refresh your memory. And I quote:

"All commissions concerning foreign workers can be put into effect only via the labor exchanges and the regional labor exchanges and have to be submitted to the Reich Ministry of Labor for its final decision. The legal basis for such proceeding are formed by the Law for the Procurement of Labor and Occupational Advice and Procurement of apprenticeship places, the law dated 5 October 1935, as well as the decree concerning foreign workers dated 25 January 1933. Under article 1 of the above mentioned law only the official agencies of the labor directing administration may effect procurement of labor for foreigners."

A.: Yes.

Qu.: This is the end of the quotation. Slowly, witness.

A.: Yes, no doubt, that is correct. That relates to the facts -

30 September -A-L-4-Bieschke, Military Tribunal No. IV,
Case V

concerned with the procurement of labor as such. It was ^{which} that amendment, that law - that amended law - from/you have quoted which effected a curtailment of the procurement of labor and only the government agencies dealt with it.

and it became necessary for a commercial agency to obtain a license, as to the procurement of labor, that must not be confused with the employment of labor. That is to say, the work of procurement of labor, under the laws which have been mentioned, was in effect on principle reserved to the official agencies. But that did not preclude an individual plant leader from engaging a worker himself in his plant. And that gap, that one could freely engage workers, was completely closed by the decree of 1 September 1939, which I have already quoted.

Q.: But for foreign workers already since 1935 only the government agencies had been allowed to deal with the matter.....

A.: Yes, in the case.....

Q.: Slower, please.

A.: In the case of foreign workers that is correct.

Q.: Until March 1942, were firms allowed to engage their own staff?

A.: No, according to the laws which have been referred to here, that would have been contrary to law.

Q.: And how were foreign workers engaged or recruited during the years up to March 1942? Were they recruited on a voluntary basis or was compulsion exercised, or how else was it done?

A.: The recruiting of foreign workers until the year 1942, on principle, took place on a voluntary basis, and interstate agreements

were made between the German Reich and the foreign governments concerned.

Qu.: Do you remember that there was such an agreement before the war?

A.: Yes, for example there were agreements before the war with the Polish government for the recruiting of Polish seasonal workers.-

30 September -A-L-5-
Bismarck, Military Tribunal No. IV, Case 7.

Qu.: Do you also remember that there were agreements with the Czech government?

A.: Yes, in 1938, unless I am wrong, for the first time interstate agreements were entered into with Czecho-Slovakia concerning the recruiting of workers for employment in the Reich.

Qu.: Witness, you understood me correctly, did you? I was referring to the time when the Czech State existed?

A.: Yes.

Qu.: That is, I was referring to the time previous to March 1939.

INTERPRETER: Will you make a pause before you answer, so not to interfere with the translation.

A.: Yes, I myself took part in negotiations.

Q.: During those negotiations did the Czechoslovak government say it was willing to make available workers?

A.: At that time, as far as I remember, such an agreement was made between the two governments.....

Pages 7762 - 7768

.....

Q.: Concerning the conscription of labor, what methods were adopted in the occupied territories? Could you tell us briefly, please?

A.: The decree on the conscription of labor which in its general tenor was in accordance with the provisions already valid for the Reich, as far as I remember, was introduced in the majority of the occupied territories. These decrees were not enforced by the government, agencies concerned in the occupied territories issued them themselves.

30 September - J.-C.-2-Pinkette, Military Tribunal No. IV, Case V.

Q.: You said that particularly in your department you dealt with labor allocation in the East. How was the matter handled in the East? Did the Eastern workers come forward voluntarily or were they conscripted, and in the latter case from what date onward?

A.: Recruiting in the occupied Eastern territories lay in the hands of special delegates appointed by the plenipotentiary for the allocation of labor. I have no experience in this sphere from which I could make any remarks, but I think that the situation must have been that Eastern workers at the beginning were probably

recruited on an entirely voluntarily basis and only at a later time were workers also recruited by conscription.

Q.: Witness, is it correct that during the whole of the war in the East the labor officials also recruited volunteers?

A.: As far as I am informed, that was so.

Q.: Witness, do you remember until what time recruiting was done exclusively on a voluntary basis? May I point out to you that the Prosecution has submitted an affidavit by SAUKEL, Exhibit No. 71, in Document Book 3-A, page 18 in the English version, and 32 in the German? On the second page it says:

"Until the fall of Stalingrad, however, the majority of foreign workers came to Germany voluntarily. It was only after that time conscription was extended considerably. My predecessor in office, Ministerial Director Dr. GIESFELD, had introduced conscription. I got the order to make available Russian workers, from the Fuehrer."

End of quotation. In your opinion, is that correct?

A.: Yes, it is. It is correct that until the reversal of the military situation in the East the recruiting was done almost exclusively on a voluntary basis.

30 September - L-CA-3-Penkrote, Military Tribunal No. IV, Case V.

Q.: Witness, I should like to know, whether

your department, of which you gave us a description earlier,
also dealt with the employment of prisoners of war?

A.: Yes, the employment of prisoners of war was also dealt
with in my department.

Q.: In March 1942, when SAUCKEL became plenipotentiary-general,
was from that time onward the final decision no longer in the
hands of the Reich Ministry of Labor but in the hands of SAUCKEL?

A.: Yes, that was evident from the Fuehrer decree, by which
SAUCKEL received the necessary authority.

Q.: You are referring to Hitler's decree of the 21st of March
1942?

A.: Yes, I do.

Q.: That is Prosecution Exhibit No. 70, in the English
document book on pages 13 and 14, pages 15 and 16 in the German
text. Your department 5-a, was taken over by SAUCKEL, was it
not?

A.: Yes, it was. According to the decree, Department 3 and 5
were placed immediately under the direction of the plenipotentiary
general, I think the decree actually says that they were
placed at the disposal of the plenipotentiary general.

Q.: Is it correct that the procurement of labor from that
time onward was dealt with exclusively by SAUCKEL, the regional
and local labor offices?

A.: Yes.

Q.: And what happened concerning the allocation of labor to
industry, farming, domestic work, etc.?

A.: These responsible plant leaders, or households who needed labor, applied to the local labor office concerned and there registered their demands, according to number and qualities and the allocation of labor was effected through the local labor offices, provided that labor was available. If no labor was available locally and if the demand was urgent, the matter was passed on to the regional labor offices which within their area tried to meet the demand, and if they were not able to do so they passed on the matter to the Reich Ministry of Labor, to the so-called Main Reich Labor Coordination Office, where they then centrally dealt with it.

Q.: Until that time do you remember whether GOERING also had a special office group for the allocation of labor?

A.: Yes, he had. The office group for labor allocation existed since the Four Year Plan had been initiated. That is to say, since October 1936. The head of that office group for the employment of labor was Under Secretary Dr. SYMP. Another group dealt with questions of wages and wage scales and labor law. That office group was under Ministerial Director Dr. MANSFELD.

Q.: Witness, the prosecution has submitted a decree of GOERING dated 27 March 1942. This is a part

of exhibit No. 70, in the English document book page 15 of book III 1, German page 17. GIERING, under numeral 1 decreed and I quote:

"My office groups for the allocation of labor (circular decree of 22 October 1936....) are being disbanded. Their tasks (procurement and distribution of labor, regulating of working conditions) are being taken over by the Plenipotentiary General for the allocation of labor who is directly under me."

End of quotation.

Is that the point to which you were referring just now when you spoke of the dissolution of the group?

A.: Yes. When S.UCKEL was given his authority, the activities of these groups ceased.

Q.: Procurement and distribution of manpower in other words was exclusively a matter for S.UCKEL to deal with. Was that so until the end of the war in accordance with this decree?

30 September - 1-44-5-Keller, Military Tribunal No. IV, Case V.

A.: Yes, but as for the distribution of manpower I should like to point out that S.UCKEL, as one might assume from the text of the decree, was not independent in his decisions but in distributing manpower he had to take into account instructions and directives from the Central Planning Board, a board which, as far as I remember, was established about the same time when S.UCKEL was given his authority

Q.: In order to make it quite clear, in your opinion this does not refer to the procurement but to the distribution only.

A.: The distribution only.

Q.: Is it not possible, witness LETSCH, that you may be mistaken here. One moment please - what evidence is there that Central Planning could give instructions to SAUCHEL?

A.: That followed from the function of Central Planning. All the large programs that were to be carried out conveyed in Central Planning, and for carrying out those programs not only material, raw-material and the like were required, but naturally it was also necessary to make the required manpower available. And it was quite clear that SAUCHEL himself had not the necessary powers to make far-reaching and fundamental decisions in this direction, for instance to what extent workers were to be made available for any particular branch of transport or for the traffic section or building section or agriculture and the like. Such decisions were made exclusively by Central Planning; and as regards distribution, SAUCHEL was in charge of the technical execution only, if I may express it in this way.

Q.: But Dr. LETSCH, Central Planning was an office which had to attend to the raw-material program, to the production program

in the mining industry and to the armament programs. Was this not the purpose for which Central Planning had been established?

30 September A-44-6 Keller, Military Tribunal No. IV Case W.

A.: Yes; naturally this also meant making the necessary labor available.

Q.: Herr LEISER, you say rather glibly "making the necessary labor available". How was Central Planning to make the people available? The moment - I believe at first we ought to clarify who actually was Central Planning? Can you tell me that?

A.: Yes, Central Planning was composed of SPER, WILCH, KOERNER, and SAUCHEL was consulted for labor questions.

Q.: That is correct according to the information I have. SPER, Generalfeldmarschall WILCH and later on also KOERNER; but SAUCHEL, was he a member of Central Planning?

A.: No, as far as I know, he was not.

Q.: Was SAUCHEL subordinated to Central Planning?

A.: Yes, but I cannot give an expert opinion regarding the details of Central Planning. I myself took part in discussions in Central Planning - I believe once only - and according to the impression I received, Central Planning was not established on the basis of a special legal decree but it was created out of sheer necessity, by the most important people engaged in the planning and guiding of production.

who were convinced that it was required. However, I wish to stress once more that I cannot consider myself an expert in this field.

Q.: In spite of that, witness, I believe you have touched on the vital point. You say there was no special order on which Central Planning was based. As far as I know, this is correct. This is where the complications arose. Do you perhaps remember, who appointed SPEER and MILCH to Control Planning? Who ordered it?

Q.: I am sorry, I cannot say. I myself no longer remember exactly.

30 September - 3-CA-7 Geller, Military Tribunal No. IV, Case Y.

Q.: I believe I can help your memory. There could only be two possibilities: EITHER or GOERING. But you do not remember which one of the two it was?

Q.: I am able of the opinion that one of the two gave the orders

pages 2791-2794

Q.: Could - first, an industrial or an individual mining plant refuse to do its share of the program fixed by the Control Planning?

A.: In my opinion this would only have been possible if there had been compelling technical reasons.

JUDGE RICHMAN: What technical reasons for example?

DR. SIEMERS:

Q.: What do you mean by technical reasons?

WITNESS: A.: If, because of its technical equipment, the plant had not been in a position to carry out the program allotted to it by the required date.

Q.: Could lack of manpower also have been a technical reason?

A.: It was just the task of Central Planning to co-ordinate the various demands for labor; and if Central Planning laid down certain production plans, it was also its business to outline the manpower requirements for these plans at the same time, and to decide about the sources which were to supply them. Therefore, apart from co-ordinating production plans, Central Planning also had to co-ordinate the manpower requirements, and after this had been done successfully, Central Planning at the same time stipulated that for this special program

30 September 4-11-2 Wilson, Military Tribunal IV, Case V.
a certain number of additional workers would be necessary, and it was decided that SACHSEL was to procure them; frequently he was also told from whom he should obtain this labor.

Q.: And then, when these workers were available, would the industrial plant factories be ordered, via, to accomplish

this production program, because we do not wish to employ foreign workers?

A.: I do not believe that an industrial plant could have made this statement, unless it would otherwise have incurred some disadvantages.

Q.: I should like to make this quite clear. For example: a factory declares: "We do not wish to employ foreigners." Part of its own workers is called up. Now, if the foreign workers do not take their place, the factory, contrary to the order of the government, ^{delivers} for instance, 30 inches less per month. What would have happened then?

A.: I am convinced that in that case the competent control office in charge, i.e., in the present section the Ministry for Armament, would have used compulsory measures to achieve the production target by every means possible, even with the few workers available.

JUDGE ALGERIA: What kind of compulsion?

Dr. SCHNEIDER: Witness. This question is addressed to you. What kind of compulsion?

A.: I presume a certain order given by the competent highest authority. This is a question which did not come within my sphere of competency. The carrying out of the program rested with Control Planning.

Dr. SCHNEIDER:

Q.: Dr. LUTSCH, if I am an industrialist and

30 Sept. A-14-3 Wilson, Military Tribunal No. IV, Case V.

declare I am not going to comply with the program, and am not going to deliver the goods, then the order would not have been of much use. After all you lived in Germany all these years and heard what GOERING and HITLER said. Can't you tell me what would then have happened in your opinion?

A.: In my opinion the plant leader would have been sued, he would have been forcibly relieved of his position as plant leader in sentence by the court for jeopardizing war armaments and the like.

Q.: Is it correct, Dr. LITZKE, to say "jeopardizing war armaments or acts of sabotage"?

A.: Yes.

Q.: What was the punishment for those acts if anybody had dared to commit them. ^{must} Is this hypothetical manner because, as you must admit, nobody would have dared to act in such an outrageous manner; or am I wrong?

A.: I believe that the government would have intervened by adopting the severest measures.

Q.: Don't you think that the industrialist in question would have been sentenced to death? May I remind you that many people had been executed only for saying: "Perhaps we are going to lose the war".

A.: I think it quite possible.

Q.: Witness, FLAHERTY.

JUDGE RICHMAN: Do you think that that is highly probable?

WITNESS: This question actually can only be answered with difficulty, if one is not familiar with the legal facts in detail. One thing is quite true beyond any doubt: The most rigorous measures possible would in all probability have been taken but I am unable to answer such a general question as regards the actual degrees of punishment which would have been decided.

30 September ABX-4-Walden, Military Tribunal No. IV, Case V.
upon in each case.

JUDGE RICHMAN: All right.

pages 7812 - 7814

.....

Q.: Now there still is the question of voluntary action which we have already touched upon. Was there ever any discussion at the Labor Ministry to the effect that in view of principles of international law and conventions based on international law, slave labor or deportation or labor conscription in the occupied territory is impermissible?

A.: If I am to comment on this problem I can only do so from the experience I gained in the sector in which I worked myself. It concerned the Eastern territories and then there are the fundamental aspects of the question of recruiting labor from the East. The Foreign Office held the view that no obligations based on international law existed in respect of the occupied Eastern territories.

Q.: Do you know on what this point of view was based?

A.: As far as I remember it was pointed out that the Russians had not signed the Hague Convention of Land Warfare.

Q.: With whom did you discuss these questions?

A.: I personally have that was discussed at a conference dealing with fundamental questions which - as far as I can remember - took place with Ministerialdirektor MASSFELD as chairman.

Q.: Who was present at this conference?

A.: As far as I remember, Herr ROEHLINGER of the Foreign Office.

Q.: Then it was a conference between the Foreign Office and the Reich Labor Ministry?

A.: It was a conference in which, as a matter of fact, the other sections were also interested.

Q.: Yes, I did not ask that, - the entire Reich Labor Ministry?

30 September A-AL-2-Hose-Poles, Military Tribunal IV, Case V.

A.: Yes.

Q.: Not only your department?

A.: No, no, it was a conference to discuss fundamental questions and Ministerialdirektor MASSFELD was in the chair.

Q.: About what time was this conference?

A.: That must have been in about November 1941.

JUDGE RICHMAN: Did I understand correctly, that you were present?

A.: Yes.

Q.: Was GOERING present or any representative of GOERING, KOERPER?

A.: A representative of the Four Year Plan took part in the conference, but not GOERING or KORNBERG.

(continuation of the cross-examination of the witness
LETSCH by Dr. STIMERS)

Qa.: And did anybody at that conference mention the difficulties arising from international law or was just short reference made to it, or what was actually said?

A.: As far as I can remember, objections were raised on our part and then the Foreign Office took up this attitude.

Qa.: You said November 1941. That is exactly the time, when GOERING gave certain instructions in connection with the mining industry and war production in particular. Do you know of that?

A.: I cannot remember that at the moment.

Qa.: Did you speak of these objections, which you had expressed and of which Ministerialrat STOTHPANG has also talked in this connection, outside your sphere?

A.: No, we did not. These objections were raised within our office, our administration.

Qa.: Did you mention these difficulties to anyone in the industry?

A.: No.

Qa.: To FLEIGERT

A.: No.

Qa.: In fact to nobody outside the Reich Labor Ministry and the Foreign Office?

A.: Yes. And then to the Plenipotentiary of the Four Year Plan.

30 September A-AE-3-Poles, Military Tribunal IV, Case V.
The matter was discussed with SAUCHER, who then referred to an express instruction by the Fuehrer.

Qa.: Dr. LETSCH, from what time onwards, in your opinion, was coercion applied in the East? You have already said, that volunteers were also recruited; partly that means that coercion was used in some cases?

A.: I think that this question has been asked already once today. Labor conscription was adopted increasingly when the military situation in the East deteriorated for Germany. Yet despite this change in the military situation, recruiting on a voluntary basis was still possible, for all those, who had collaborated with the Germans, retreated when the Russians advanced and were therefore available for employment and besides, manpower became available along with the military evacuation.

JUDGE RICHMAN: Were they afraid of reprisals by the Russians, because they had collaborated with the Germans? Is that the impression you wish to give?

WITNESS LETSCH: Yes.

I hereby certify the above to be a true copy of the original.

Muenberg, 1 February 1948

signed: Dr. Helmut DIX
Counsel for the Defense

DOCUMENT BOOK III, SCHNEIDER
SCHNEIDER DOCUMENT No. 230

GOETZ Carl

Question 10): Who was responsible for the accommodation, treatment and maintenance of the foreign workers, when they arrived at the working places?

Answer: I have heard nothing else but that the plant leaders (and under them - probably in most cases - special officials) were responsible for that from the moment work was started.

The above facts conform to the truth. I have made these statements voluntarily and under no coercion whatever. I have read them, signed them in my own handwriting and confirmed them by oath.

Frankfurt am Main
Reichsbank Building
21 March 1946

signed: Carl GOETZ

Subscribed and sworn to before me at Frankfurt am Main/Germany, Reichsbank Building, this 21st day of March 1946.

signed: EUGENE V VILLIO Captain A.G.
MIS Center, ESFET, APO 767,
US Army

 CERTIFICATE OF TRANSLATION

13 February 1948

We, ANNETTE JACOBSON, MONICA ELLCOO, ELEANOR SCHLESINGER,
 ANALLA IEZER, H.C. BUSSEMAN, AUBREY LOVEY, hereby certify that
 we are duly appointed translators for the English and German
 languages and that the above is a true and correct translation
 of Document Book III Schneider.

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ANNETTE JACOBSON
 ETO No. 20146

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MONICA ELLCOO
 ETO No. 20146

" 8 - 14
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ELEANOR SCHLESINGER
 ETO No. 20061

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ANALLA IEZER
 ETO No. 25967

" 21 - 26

H.C. BUSSEMAN
 ETO No. 20120

" 29 - 34

AUBREY LOVEY
 ETO No. 20115

" ENL "

Case 6
Defense

DOCUMENT BOOK IV SCHNEIDER
Schneider Document No.
Exhibit No.

DOCUMENT BOOK

for

Dr. Christian SCHNEIDER

No. 4

submitted by Defense Counsel

Dr. HELMUTH DIX

Ring



DOCUMENT BOOK IV SCHNEIDER
Schneider Document No.....
Exhibit No.....

I certify that all documents contained in this Document Book
correspond literally to the documents submitted to the tribunal.

Nuremberg, 7 February 1948

signature (Dr. Hellmuth DIX)

(Dr. Hellmuth DIX)
Attorney.

I N D E X

to the Document Book
 for Dr. CHRISTIAN SCHNEIDER

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EXCERPT
from
Special Service
of the Management Reichspropaganda
- Main - Office - Propaganda - Office: Direction of Propaganda

For official use only!

Berlin, July 1947
Reichenstrasse 10,7

Special edition!

The foreign Workers in the Reich.

.....

Memorandum

on the general principles in dealing with foreign labor employees
in the Reich.

The struggle of the Reich against the annihilating forces of Bolshevism is increasingly becoming the concern of all Europe. For the first time in the history of this continent there are growing signs, in some countries merely slight tendencies, of a European solidarity, even if so far only in outline. An apparent practical effect is the employment in the Reich of millions of foreign workers belonging to nearly all European states of the continent, among them a great number of elements appertaining to the defeated enemy-forces. But from this fact arise, for the German people, special obligations chiefly as a result of the following principles:

- 1.) Of the highest importance is the security of the Reich. The Reichsfuehrer SS and his offices give the orders to the security police for the protection of the Reich and the German people.
- 2.) The humane treatment of foreign workers aiming at increased production and the alleviations granted to them may easily lead to an effacement of the distinct dividing - line in existence between foreign workers and German Nationals. The German Nationals must be urged to regard the necessary distance kept between themselves and the foreigners as a national duty.

(page 2 of original)

Non - observance of the principles evolving from the National-socialist conception of racial purity, must incur severe punishments for the German national. The comprehension, that victory is at stake, with bolshevist chaos as an alternative, must induce every German to draw the necessary conclusion, when dealing with foreign workers.

Everything has to become subordinate to the aim of finishing the war victoriously. The foreign workers employed in the Reich must therefore be dealt with in such a manner, that their reliability is being retained and increased, that developments in their own countries, which might be unfavorable to the Reich, are being limited to a minimum, and that their full working - power is being reserved for German war - economy in future years, yes, even giving rise to increased efficiency. In this connection the following considerations are decisive:

- 1.) Every human being, also the most primitive one, has a keen sense of justice. Therefore any unjust treatment must have devastating effects. Unfairness, insults, vexations, mistreatment and so on must not take place. The application of corporal punishment is prohibited. The foreign workers must be suitably enlightened on the rigorous actions taken against refractory and seditious elements.
- 2.) It is impossible to interest a person in a new idea to the point of active collaboration if, simultaneously, his innermost self-interest is hurt. One cannot expect a maximum output from people marked as beasts, barbarians and half - wits. On the other hand, no occasion must be neglected to encourage and promote positive qualities, such as resistance against Bolshevism, safeguarding their own existence and their homes, willingness to cooperate and work.

(page 3 of original)

3.) Beyond this, everything must be done to foster the necessary collaboration of European nations in their fight against Polishism. Words alone will not convince a foreign worker that a German victory will also be beneficial to him and to his people. Adequate treatment is a prerequisite.

Excerpt from the News of the Reichminister for Armament and
Munition, Year 1943, page 224.

Excerpt from the Ordinance of the Plenipotentiary General for
labor - allocation - Va 5760/196 - dated of 4 February 1943
to the Presidents of the Regional Labor Offices.

Subject: Functions of the Regional Labor Offices and the Labor-
Offices in connection with the labor-allocation of the
Western workers.

II. Care of Western workers.

I already continuously referred to the necessity for adequate care for
foreigners and issued the necessary directives in the 4th ordinance.
Although these directives should be well-known by all works-managers, the
number of complaints from foreigners, very often justified, does not
decrease in this connection. As before, therefore constant check should
be made whether accommodation, food, clothing, medical care meet the
essential requirements. It is also important for the contentment of
foreigners and, consequently, for their willingness to work that the
transfer of savings, mail-service and parcel post, as also leave -
questions should be dealt with promptly and that, in case of unavoidable
complications, the plants should try to remove these difficulties on
their own initiative.

It is of special importance that the Western workers, during the first
days after their arrival in the factories, should be duly cared for and
properly inducted into the camp.

III. Supervision of allocation and care of Western workers.

As may be seen from the view-points specified above under I and II, it
is of particular import in the allocation and care of Western Workers,
that factories should take the requisite measures and conscientiously
comply with their incumbent obligations in the interest of the common
wealth.

(page 2 of original)

It is the function of the administrative offices of labor-allocation, as state - agencies responsible for the proper guidance and allocation of all workers, to superintend the compliance with these viewpoints. Considering the importance with regard to labor-allocation and to politics a continuous control will be indispensable for the present.

I beg of you to take the necessary measures without further delay, at the same time leaving it to you to decide, how to enact this supervision. As far as in your district, examining - committees are organizing factory - inspections, this virtually, answers the purpose of control. Beyond this, a further independent supervision will be essential in order to include, from the first, as many plants as possible. The members of the labor allocation administration charged with the supervision, are constantly to remain in contact with the competent authorities of the Party, of the Reich Ministry for Armament and Munition, of the German Labor front (DAF), of the Police, of Economy, of the National Food Agricultural Estate and so on. They are to pass on to these offices their experiences and observations and inform them of the directives for the allocation of Western workers put forward by me. I attach special importance to close and confident collaboration with the German Labor Front Offices charged with the control and, if necessary, with the National Food Agricultural Estate.

In as much as an investigation reveals abuses in the plants, steps should be taken for their immediate remedy, according to circumstances in collaboration with other competent authorities.

signed: Fritz SAUCKLE

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Excerpt from the news of the Reich Ministry of Armament and war
production, Year 1944, page 477.

Excerpt from the Ordinance of the Plenipotentiary General for labor-
allocation, Berlin, dated 29 August 1944, to all leaders of enterprises
within the German war - economy.

Due to labor-allocation, many millions of foreigners have been
transferred to German war-economy, representing for the German war
economy a substantial part of its available labor-potential. With
fair treatment, sufficient food, suitable accommodation and adequate
wages, a great number of these foreigners reached and maintained a
considerable percentage of the German normal output.

signed: Fritz SAUPEL

Bfv. dated 25 June 1938. Ordinance pertaining to Wage Standards

(Reich Law Gazette I, No. 99, issued 28 June 1938, page 691).

The tasks of Reich Defense and the execution of the Four Year Plan require stability of prices and wages. In accordance with the ordinance for the execution of the Four Year Plan dated 18 October 1936 (Reich Law Gazette I, p. 887¹⁾ I make the following ruling:

Article 1. The Reich Trustees and the Special Labor Trustees have to supervise the pay and working conditions and to adopt all measures which are necessary in order to prevent the re-arming execution of the Four Year Plan from being adversely influenced by wage trends and other working conditions. In particular they are empowered to fix with the force of law upper and lower wage limits for the branches of industry determined by the Reich Labor Minister - also if this entails an alteration in the administrative (service) regulations and labor contracts.

Article 2. Anyone who acts in defiance of or circumvents the measures introduced in accordance with this ordinance by the Reich Trustees or the Special Trustees will be punished by imprisonment and fine, the latter to have no upper limit, or by one of these.

(page 2 of original)

Proceedings will be instituted only at the request of the Reich
Trustee or the Special Trustee.

Article 3. The Reich Labor Minister issues the regulations
necessary for the implementation and supplementation of this
ordinance.

I certify that the above document is a true and correct copy
of the original.

Nuernberg, 3 February 1948.

Signed: Dr. Holmut DIX

Defense Counsel.

2028

Reich Law Gazette, 1939, Part I

2nd Implementation Regulations

to Section III (Wartime wages) of the War Economy Ordinance.

(2nd KLDG) (Wartime Wages Implementation Regulations)

Dated 12 October 1939.

In accordance with the War Economy Ordinance dated 4 September 1939, Section V, paragraph 29 (Reich Law Gazette I, page 1609), the following is decreed with regard to the implementation and supplementation of Section III of the ordinance (Wartime wages) in agreement with the Plenipotentiary General for Economic Affairs:

Article 1

(1) It is forbidden to increase the existing wage or salary scales -- including payment for work done at home -- or other regular compensation. It is also forbidden to increase ^{by means of individual} bonuses payment for work done. This does not apply to increases made in accordance with laws, wage scales, employment regulations issued or approved by a Reich Minister, a factory (employment) regulation approved by a Reich Trustee or Special Labor Trustee or an order given by a

(page 2 of original)

Reich Trustee or Special Labor Trustee.

(2) For newly-established plants (administrations) or sections of plants as well as for newly-engaged employees or employees transferred to other work, the provisions of Article 18, Section 2 of the War Economy Ordinance apply.

(3) The Reich Trustee or the Special Trustee can make exceptions.

Article 2

It is forbidden to alter established and tested piece rates for the purpose of increasing remuneration for work. When new piece rates are established, this is to be done after careful investigation of the basic piece rate regulations and in such a way that the resultant remuneration after the employee has become familiar with his work, does not exceed that which is customary in the plant for equivalent work. When the basic piece rate regulations are altered, the piece rate is to be examined without delay. The above provisions accordingly apply to premiums. Article 1, Section 3 applies.

Article 3

The provisions of Articles 1 and 2 accordingly apply to a drop in the wage or salary scale, a decrease in regular emoluments and

(page 3 of original)

an alteration in established and tested piece rates, for the purpose of lowering earnings. The deduction, with the approval or by order of the Reich Trustee or Special Labor Trustee, of payments independent of output is not affected by this.

Article 4.

The penal provisions of Article 21 of the War Economy Ordinance apply accordingly.

Article 5

The Reich Labor Minister can issue the administrative regulations necessary for the implementation and supplementation of this ordinance. He is to determine when the ordinance becomes invalid.

Article 6

The ordinance comes into force on the day of its announcement.

Berlin, 12 October 1938.

Reich Labor Minister

signed: Franz SELOTE.

I certify that the above document is a true and correct copy of the original.

Nuernberg, 3 February 1948

signed: Dr. Holmut DIX

Defense Counsel.

Reich Labor Gazette 1941, No. 13,

Part I, page 211.

Implementation Regulation to the Ordinance
pertaining to Wage Standards. Dated 23 April 1941.
(Reich Law Gazette I, p. 222).

In accordance with Article 1, Paragraph 2 and Article 3 of
the Regulation pertaining to Wage Standards dated 25 June 1938
(Reich Law Gazette I, p. 691) it is decreed:

Article 1

The Reich Labor Trustees and Special Labor Trustees have the
complete authority to fit with the force of law the upper and lower
wage limits. Decisions already made have the force of law even if
they have been made in branches of industry which have not yet been
designated by the Reich Minister.

Article 2

If, for the execution of Article 1 of the Ordinance pertaining
to Wage Standards it is necessary to apply measures which are out-
side the sphere of competency of a Reich Labor Trustee, they may
be applied by the Reich Labor Minister himself instead of by a
Special Labor Trustee.

Berlin, 23 April 1941.

Reich Labor Minister

By proxy

(signed) Dr. SYRUP.

(III b 7130/41)

Reich Labor Gazette
No. 23 Part I, page 124.

Reich Labor Minister

Berlin, 2 August 1940

III b 16038/40

To

All Reich Labor Trustees
All Presidents of Regional Labor Offices.

Conditions of employment for the workers coming from the
occupied territories.

I recently received repeated enquiries as to what conditions of employment are to apply to Danish, Dutch, Belgian, etc. civilian workers engaged for work in the Reich. The workers who come from German-occupied territories, with the exception of former Polish nationals, are entitled in all cases, according to regulations in force in the plants, to the same wages, salaries and other conditions of employment as German workers doing the same work. No special deductions are to be made from the wages, such as that ordered, for example, in the case of the Polish civilian workers. These workers are also to be granted the same separation allowance as would be granted to German workers in the plant in similar circumstances. Consequently it will for the most part only be possible to grant separation allowances to workers in the building trade, since in the other branches of industry separation allowances have only been introduced up to now in very few plants.

The principle of similar treatment for the workers from the occupied territories and for German workers ensures not only that non-German workers will not receive less favorable treatment, but also that they will not receive preferential treatment. A Danish or Dutch worker can thus not receive higher wages than a German worker in the plant who is doing the same work. Nor does he receive a separation allowance from the plant

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Schneider Document No.251:
Exhibit No.....

(page 13 of original cont'd)

if a German worker would be entitled to one.

I request that these principles be strictly adhered to
when the employment conditions for these workers are determined.

By order

(signed) DR. KETZICH.

Reich Labor Gazette 1941
No. 6, Part I, page 100

The Reich Labor Minister
Va 5750/58

Berlin, 23 January 1941

To the Regional Labor Office and the Labor Offices.

Allocation of industrial and foreign workers;
Observation of wage and conditions of employment.

1. Although with regard to the employment of foreign workers I have pointed out repeatedly the last time in my circular decree Va 5750/513 of 21 September 1940 - that foreign workers must only be recruited under identical wage and employment conditions as those established for German workers doing the same work, some enterprises have given orders for recruitment according to which foreign workers would receive better wage and employment conditions than German workers doing the same work. The recruitment and employment of foreign workers was then effected in compliance with the more favorable wage and employment conditions provided for by the order. This kind of settlement contradicts the general principle that foreign workers must in no way be privileged in comparison with German workers; it also is in violation of the Stoppage of Wages Order and must, in the end lead to justified discontentment and unrest among the German workers.

Inasmuch as foreign workers are employed under more favorable wage and employment conditions, the responsible plant managers are directed to negotiate immediately with those workers - if necessary with the aid of the representative of the German Labor Front and, in the case of Italian workers, of the representative of the CGIL - to the effect that they will voluntarily agree to have the better conditions with regard to wages and work which they had received erroneously reduced beginning with the next payday to those of German workers doing the same work.

(page 1 of original, cont'd)

Should the workers refuse such settlement they are to be given proper notice according to legal and/or tariff regulations. If they cannot be transferred to some other type of work where they could earn the wages promised to them originally the foreigners are to be returned to their home countries and the travelling costs are to be paid by the labor offices. In order to guarantee their return in such cases, a re-adjustment in their work and occupation permits can be made limiting it to the above-mentioned date of termination of their work contract. If in the case of limited contracts the expiration date cannot be adhered to and if the foreigner cannot be employed elsewhere, the Reich Labor Trustee can, on the basis of the ordinance pertaining to Wage Standards if necessary, effect an adjustment in the employment conditions of the German employees. Such adjustments must be made only after my consent has been secured.

(page 2 of original)

2.) I also want to point out again that in future no orders for the recruitment of foreign workers must be passed on, unless it is absolutely clear that the conditions for the wages and work offered to them comply, in all details, with legal regulations and tariffs or with regulations issued by the Reich Trustee. Especially in the case of piece rates it must be ensured that - especially with regard to the generally lower work output of the foreigners - the data given will not give a false idea of the actual earnings to be expected. For these reasons exact statements must be made concerning starting wages as well as ceiling wages. As already stated under Ia of my circular decree Va 5730/613 of 21 September 1940, the regional labor offices must consult the Reich Labor Trustee for examination of the orders in doubtful cases. In order to guarantee the exact examination of the orders I request you to forward to me in future only orders for adjustments for foreign workers through the Reich containing the following explanation:

"The wage and employment conditions have been checked.

They are in conformity with legal regulations and with tariffs as well as with regulations issued by the Reich Trustee.

For:

.....
(Signature of the regional Labor Office.

This declaration is to be added by the Regional Labor Offices to the application forms (it can be inserted by means of a rubber stamp) and must be signed by a representative of the regional labor office. Orders without this declaration will, in future, be returned by me without action.

For:
Dr. BEISCHKE

Extract
from Reich Employment Gazette 1942
Part I

Decree

Page 258

The Deputy for the 4 Year Plan, Berlin, 4 May 1942
the Plenipotentiary General
for the Mobilization of Labor
Va 5780/740

Memorandum for Foreign Industrial Workers.

With the exception of the workers from the Government General
and the occupied Eastern territories, industrial foreign workers
will be handed the following memorandum in their native language,
prior to recruitment. The memorandum for Serbian and Spanish wor-
kers contains only the first and the last sentence of the para-
graph "Social Insurance".

For: Dr. TEE.

Page 259
(Office)

May 1942

Memorandum for Foreign Industrial Workers.
Starting Work in Germany.

In Germany the demand for manpower is great. Therefore the
foreign worker has the opportunity of earning a living for him-
self and his family in Germany.

(page 2 of original)

In Germany the foreign worker enjoys the same respect and appreciation as the German worker, but he has also to submit to the same work discipline as required of every German worker especially now in war time.

The foreign worker will participate in the intellectual and cultural program of the DAF (German Labor Front). He will thus, find relaxation and recreation after work.

Wages and Works Conditions.

For equal work the foreign worker will receive the same wage as a comparable German worker. He is, therefore, neither worse nor better treated than the German worker.

Each worker is informed on wages and works conditions prior to recruitment.

The compulsory contributions for social and other insurance, taxes, etc., will be deducted just as in the case of a German worker.

Separation allowance.

In enterprises paying separation allowances to German workers, married workers, and widowed and divorced workers keeping joint house with their minor children, (also French workers living en ménage with a woman,) can also receive this allowance, which amounts normally to R.M. 1.- for separation plus R.M. 0.50 for lodging, per calendar day.

Working Hours.

Working hours are fixed by law in Germany. The 48 hour week is the norm, but it may be extended to a 60 hour week in wartime. Special protective regulations exist for women and juvenile workers.

(page 3 of original)

which are strictly enforced even in wartime.

Overtime, Sunday and Holiday Work.

Extra money will be paid on principle for every hour worked in excess of the 48 hour week, except for preparatory and finishing operations and the like. The amount will normally be fixed according to the existing tariff. For such Sunday and Holiday work where exceptionally admissible, the tariffs usually provide for extra payment.

Social Insurance.

Like the German workers, the foreign workers employed in the Reich enjoy the protection of the Reich Insurance. Again, as in the case of a German worker, the contribution payable by the insured person himself will be deducted from the wage.

The contributions to the German accident insurance are paid in full by the employer.

For workers from Italy, Hungary, Croatia, Rumania, Bulgaria, Slovakia, France, Belgium, the Netherlands, Denmark and Norway, sickness insurance is extended to dependents remaining in the home country.

Work Clothes.

The foreign worker must bring the clothing required for his work, including shoes, also seasonable underwear and outer clothing. The possibilities to acquire these items are at present limited in Germany.

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Accommodation and Food.

Generally, the workers are housed in the communal accommodations provided by the enterprises. Feeding facilities, also, are communal. Wartime restrictions must be accepted. Where the number of assigned foreign workers and the size of the enterprise warrant it, foreign kitchen staff is to be employed as far as possible. The cost of accommodation and food is kept reasonably low and will be stated upon recruitment. The communal housing facilities are inspected and under constant supervision, they are therefore satisfactory.

In many cases bedlinen cannot be issued to male foreign workers in Germany and to females only to a limited extent. Where the enterprise is unable to provide bedlinen, this will be stated upon recruitment, and the worker is then urgently required to bring two changes of bedlinen with him. For this he will receive a compensation of R.M. 1.50 per month, payable by the enterprise.

Wages Transfer and Currency taken on travels
to the Home Country.

The workers may transfer part of his wages to his family or another address in his home country. The amount will be stated upon recruitment.

The wages transfer is intended in the first place to assure the support of the workers family in the home country. Thus every worker is expected to make full use of these facilities for transfer of his savings. As a matter of expediency the transfer should be effected immediately upon payment of wages. The plant leader will assist the worker in this matter.

(page 5 of original)

Each worker will be handed a memorandum on foreign currency regulations and wages transfer, containing also instructions on the amounts that can be carried when traveling across the border on leave or a visit to home country...

Leave.

In Germany every employee, therefore also the foreign worker, is on principle entitled to leave for recreation. The length of this leave depends as a rule on the tariff or factory regulations. It is $\frac{1}{2}$ of the annual leave due, for each full month worked. As far as possible this leave will be granted in connection with a family visit home.

Family visit Home.

Beside leave, for recreational purposes, industrial workers, artisans and miners are authorized family visits home. Married foreign workers are entitled to a family visit home, after 6 months of work, unmarried workers after one year. The day of departure depends on conditions in the factory. For family visits home the enterprise will pay for both journeys for the trip between the place of work and the German Reich border.

Duration and Termination of Employment.

The employment agreement is considered effective for an indefinite period, unless other arrangements were specifically made. For the termination of the agreement, the existing regulations, binding both for worker and employer alike, apply. According to these, the worker requires the approval of the employment office for the termination of the indefinite employment agreement.

(page 6 of original)

Special consideration will be given to the worker's circumstances. Workers leaving their place of work in violation of these regulations, are considered to have broken their contract and must suffer the consequences. The following will be considered a breach of contract:

- a) stopping work without good reason,
- b) unexplained absence,
- c) slacking.

Agreements concluded for a definite period require no notice.

After termination of his employment agreement the worker must expect to remain with the factory for a period up to two weeks, as he is to be returned to his home country in collective transports where possible.

Travel and other Expenses.

For his initial trip to his place of work in the Reich the foreign worker will not have to pay any travel expenses. Upon proper termination of his agreement, the foreign worker travels free to the border of his home country. Any travel expenses from the border to his place of residence must be borne by the worker himself.....

Extract
from
Reich Work Gazette 1942
Part I

Page 301

Ordinance concerning wages payable to Foreign Workers
in Private Enterprise,
of 11 June 1942.

By virtue of article 2 of the ordinance for the enactment,
of the Wage Rates of 23 April 1941 (Reich Law Gazette I page 222),
in conjunction with the ordinance concerning the validation by
the Plenipotentiary General for the Mobilization of Labor of
25 May 1942 (Reich Law Gazette I page 347), I issue the following
order applicable to private enterprise.

Art. 1

Foreign Workers must not be engaged or employed on wage
and work conditions more favourable than those existing for
comparable German workers.

....
Art. 4

Any contravention or evasion of this order will be punished
by imprisonment and a money fine of an unlimited amount, or by
either of these punishments, according to Article 2 of the
ordinance concerning Wage Rates of 25 June 1938 (Reich Law
Gazette I page 691).

....

Berlin, 11 June 1942.

The Deputy for the 4 Year Plan,
The Plenipotentiary General for
the Mobilization of Labor

SUCKEL

Decree on the co-ordination of the regulations
governing lodging and feeding, dated 28 May 1943
(Excerpt from the Journal for Reich Labor 1943
I, page 345)

.....
"By virtue of the decrees governing wage determination, dated 25 June 1938 (Reich Law Gazette I, page 691), the decrees governing the execution of the decree on wage determination, dated 23 April 1941 (Reich Law Gazette I, page 222) and the decree governing the authority of the Plenipotentiary General to make regulations on the allocation of work, dated 25 May 1942, (Reich Law Gazette I, page 347), I order the following for the industrial economy and for the public service:

I.

- 1) In the event that labor forces are housed in common they are to be billed 0.50 R. per day by the plant for the granting of the lodging.
- 2) When complete boarding privileges are granted, the plant is to make a daily deduction of the amount of 1 R.M. When labor forces, who are entitled to added rations by reason of occupations entailing heavy duty or long hours, are granted boarding privileges, an extra rate of 0.10 R.M. is to be added to the amount deducted by the plant, and in the case of workers, who are entitled to added rations provided for the heaviest duty, this extra rate to be deducted is 0.25 R.M.
Complete messing privilege is considered to be the granting of breakfast with coffee, noon-meal, and supper.
- 3) The fore-going regulations do not apply, where the plant employees are entitled to lodging and feeding free of charge.

(page 2 of original)

II.

The deduction rates which have been set down in this decree apply also then, when the costs for the furnishing of lodging and board become greater than the amounts deducted. The plants are duty bound to provide sufficient food, which will guarantee to keep up the efficiency (of the workers), according to the deduction rates set down in this decree and within the framework of the decree of the Reich Minister for Food and Agriculture and the instructions of the Plenipotentiary General for the Allocation of Labor. The Reich Trustees of Labor may set higher rates of deduction in exceptional cases after getting in touch with the DAF. The Reich Trustee for Public Service has the same authority.

III.

- 1) The decree will take effect 1 July 1943. On the same date incompatible regulations will be declared void.
- 2) Insofar as rates which are lower than the ones indicated above are embodied in existing labor contracts, they will remain in effect to the termination of these contracts.
- 3) As far as the worker of the Eastern territories are concerned, regarding the amounts to be deducted for lodging and food, the special conditions pertaining to workers from the Eastern territories will remain in force.

Berlin, 1 June 1943.

The Commissioner for the Fouryear Plan

The Plenipotentiary-General for the
Allocation of Labor

signed SIECKEL

Excerpt
from
Reich Law Gazette 1939
Part I
No. 169 no. 1683, 1684.
Ordinance
for the
Amendment and Supplementation of orders pertaining to the Labor Laws.

Dated 1 September 1939.
The Ministerial Council for Reich Defense orders with the force of law:
III. Protection of labor.
Article 4

(1) The following laws and ordinances and the regulations made in accordance with these laws and ordinances are invalidated until further notice as far as male workers and employees over 18 years of age are concerned, insofar as they contain rulings on the daily working hours of the employees.

Working Hours Order dated 30 April 1938 (Reich Law Gazette I, p. 447)

Law concerning working hours in bakeries and confectionery establishments, dated 29 June 1936 (Reich Law Gazette I, page 521):

Ordinance concerning working hours in hospitals dated 13 February 1924 (Reich Law Gazette I, no. 66, 154):

Article 12 of the Trade Regulations.

(2) The Industrial Inspection Boards, and in the case of hospitals, also other Authorities responsible for supervising the enforcement of the ordinance governing working hours in hospitals, can restrict the exception given in par. (1) by means of special regulations relating to individual concerns or establishments, if this is urgently necessary for the protection of labor.

Article 5

The higher administrative authority or the authority appointed by it can invalidate the following in whole or in part: the remaining provisions of the laws and ordinances mentioned in Article 4 and the provisions of Article 105b to d of the trade regulations for male workers and employees over 18 years of age; furthermore for juveniles and women the provisions of the above-mentioned laws and ordinances, of the law governing employment before and after confinement, dated 16 July 1927, 29 October 1927 (Reich Law Gazette I, pages 184, 326) and of the ordinances issued in accordance with Article 13, 139a and Article 154, paragraphs 3 and 4 of the Trade Regulations and of the law concerning child workers and concerning the working hours of juveniles (Youth Protection Law dated 30 April 1938 - Reich Law Gazette I, page 437), if the Reich Labor Minister has not made corresponding general regulations or regulations for certain areas or types of businesses.

Berlin, 1 September 1939.

Chairman
of the Ministerial Council for Reich Defense
GOERING
General Field Marshal
Reich Minister and Chief of Reich Chancellery
Dr. LAMMERS

Extract

from the Reich Work Gazette, 1944, Part I, page 22.

Ordinance

concerning Foreign and Eastern Workers' Labor Protection.

By virtue of the War Economy Ordinance of 4 September 1939¹⁾
(Reich Law Gazette page 1609) Article 20, and the Working Hours
Regulation of 30 April 1938²⁾ (Reich Law Gazette I page 447) Article 29,
I decree the following:

Article 1

Definition of Terms.

- (1) Foreign workers in the sense of this decree are all workers -
except Eastern workers - from territories outside the Reich border,
including the workers from the Government General. The term "territories
outside the Reich border" does not apply to the Protectorate Bohemia
and Moravia, Luxembourg, Lorraine, Alsace, the liberated territories
of Lower Styria, Carinthia, Ukraine and the Wialystock District.
- (2) Eastern workers in the sense of this decree are workers described
in Article 1 of the ordinance concerning allocation conditions for
Eastern workers of 30 June 1942³⁾ (Reich Law Gazette I page 419).

Article 2

Applicability

- (1) This ordinance applies to foreign and Eastern labor employed as
workers or in administrations within the Reich (Article 1 part 1).
- (2) The Ordinance does not apply to such foreign workers who are equal
to comparable German workers in regard to labor protection, by virtue
of inter-state agreements, nor does it apply to workers from

(page 2 of original).

Denmark, Estonia, Latvia, Finland, the Netherlands, Norway, Roumania, Switzerland, and Flemings who prove their Flemish descendancy by an official certificate.

(3) For workers as in part 2, the German workers' labor protection law applies. The Reich Minister of Labor has powers to decree the extension of the German workers' labor protection law to other groups.

(4) The regulations of Articles 3 and 4 of this decree do not apply to work in the fields of agriculture, forestry, livestock, fishing, maritime navigation and aviation. (Working Hour Regulations Article 1, part 1, sentence 2).

Article 3

Working Hours.

(1) Male workers over 16 years of age may work up to 50 hours per week, female workers over 16 years of age up to 56 hours per week, and juveniles under 16 years of age up to 54 hours per week - excluding breaks-, where the working hours for German employees are not longer. The working hours for female workers over 16 years of age and juveniles under 16 years of age may not exceed 10 hours a day, with certain exceptions.

(2) During working hours the same breaks as those laid down for German employees should be granted.

(3) After completion of the daily working hours, a rest of at least 10 hours should be granted, unless shorter leisure hours are laid down for German employees.

(4) During the night, between 23.00 hours and 5.00 hours, female workers above 16 years, may be employed only when an urgent need can be proved. The employment of female workers during the night must be reported to the Trade Inspection Board, and the reasons must be stated. No juveniles under 16 years may be employed during the night.

(page 3 of original)

(5) Workers may be required to work on Sundays and Holidays only, if such work is customary or, in exceptional cases, becomes necessary.

Article 4

Employment of children

No children under 12 years may be employed. Only in exceptional cases, and only on suitable light work up to 4 hours daily, is the employment of children under 14 years permitted, - but not during the night or on Sundays and holidays -. The Trade Inspection Board should be notified of the employment of children.

Article 5

Protection of mothers.

Expecting women, women in child-bed and nursing women come under paragraph IX of the ordinance concerning the administration for the protection of working mothers (law for the protection of mothers of 17 May 1912⁴) (Reich Government Gazette I, page 724) concerning the minimum protection for special categories of women, insofar as No.1 of the ordinance for the administration of the law for the protection of mothers is not applicable.

Article 6

Work protection

The regulations concerning protection against accidents and industrial diseases including the regulations concerning employment prohibition and dangerous work, in force for German employees, should be applied.

(page 4 of original)

Article 7

Special arrangement.

The Trade Inspection Board, in special cases, may set up new regulations concerning labor protection in deviation from articles 4-6.

Article 8

Supervision.

The Trade Inspection Boards are responsible for the observance of the instructions of this ordinance. The regulations of working hours article 27 relating to labor supervision and competence of the authority are applied accordingly.

Article 9

Effective date.

The ordinance becomes effective on 15 January 1944.

Berlin, 8 January 1944

Reich Labor Minister
Franz SEIDT

- 1) Reich Labor Gazette 1939 page I 403
- 2) Reich Labor Gazette 1939 page III 121
- 3) Reich Labor Gazette 1942 page I 323
- 4) Reich Labor Gazette 1942 page III 157

Enclosure to circular sent to
our members No.223 of 11 May
1942 - G.-No.R 616

DOCUMENT BOOK IV SCHNEIDER
SCHNEIDER Document No.287
Exhibit No.
(Barkart-Exhibit No.689
Exhibit No.58)

Excerpt from the Reich Labor Gazette No.10/11 of 15 April 1942
Page IV 460/461.

A. Private Economy
General and common matters.

Tariff register No.3713/1

The Reich Labor Trustee for the
Economic district of Brandenburg
as special trustee

Berlin, 30 March 1942

Reich tariff regulations concerning furlough rulings of foreign
workers employed in private enterprise.

The existing furlough regulations, with few exceptions, are founded
on labor contracts, concluded for an indefinite period. They are
therefore not entirely suitable for foreign workers, who are working
in Germany mostly for limited periods, often on contracts of a fixed
duration. In order to adjust the furlough regulations to the special
circumstances for the employment of foreigners, I therefore decree
in accordance with article 57 of the Law for the regulation of
national labor in connection with article 1 of the ordinance concerning
the decree on wages scales of 25 June 1938 (Reich Government Gazette I,
page 591

(page 2 of original)

and with the authority of the Reich Labor Minister according to article 27 of the law concerning the protection of juveniles of 30 April 1938 (Reich Government Gazette I, page 437) in connection with No. 54 of the relevant administration instructions of 12 December 1938 (Reich Government Gazette I, page 1777) the following tariff regulations for the territory of the German Reich.

Article 1

For foreign workers including workers from the protectorate Bohemia and Moravia, employed in private enterprises residing abroad or in the protectorate, the respective furlough regulations, with the derogations apparent from article 3 - 5 are applicable.

Article 2

Foreign workers are entitled to furlough,

- a) if under the tariff, were it applied to them, they have a claim to furlough, pursuant to the tariff regulations concerning the regulation of war-time furloughs for foreign workers employed in Germany,
- b) when they leave the works.

Foreigners forfeit their claim to furlough in the event of instant dishonorable dismissal or if they break their employment. Stipulations contained in furlough regulations concerning waiting periods when entitled to furlough will not be applied.

(page 3 of original)

Article 3

Furlough is granted at the rate of 1/12 of the annual furlough for each full month worked. If in arriving at the total furlough fractions of days have accrued, half days or more should be rounded off to full days; fractions of less than a half day will be disregarded.

Where the tariff regulation concerning free time on the points system applies to the building trade and auxiliary building trade leave accrues at the rate of one half day for every four weeks worked, in the case of masons' and pit foremen, listed in article 2, No. 2 of the aforesaid tariff regulation, one day, in the case of juveniles not exceeding 18 years of age, $1 \frac{1}{2}$ days, section 1, passage 2 is correspondingly applied.

Article 4

For each leave day worked the amount is to be paid which is appropriate for that leave day according to the relevant furlough regulations. Where the tariff regulation concerning the furlough is valid in the building trade and auxiliary building trades on the basis of the points system, the leave compensation is to amount to 2 per cent - in the case of the brick layers and underground foremen, mentioned in article 2, No. 2 of the aforesaid tariff regulation to 4 per cent,

(page 4 of original)

in the case of juveniles not exceeding 16 years 5 per cent - of the wages, subject to furlough points, which the foreigner has earned in the plant, irrespective of whether or not a claim to off-time, as per article 3, paragraph 2, exists. Furlough points are not to be affixed to cards.

Article 5

Whenever possible, leave should be given in connection with a journey home. If the foreigner travels by a special train (out and back) and the leave period is longer than the period during which the special train is operating, the balance of the days is to be credited to the foreigner for the next furlough, provided he does not renounce this claim; the remaining furlough days also can be paid off by the plant. Where the furlough and the off-time for the journey home are of shorter duration than the period, during which the special train operates, the plant should grant advance leave deducting it from the next furlough, or grant additional unpaid leave.

Article 6

The tariff regulation comes into force on 1 May 1942.

DOCUMENT BOOK IV SCHNEIDER
SCHNEIDER Document No. 257
Exhibit No.
(Purkert-No. 680
Exhibit No 58)

(page 5 of original)

It does not apply to a period for which the foreigner has already had his leave. In these cases the duration of the furlough begins with the day following the expiration of this period.

The Special Labor Trustee and the Reich Labor Trustee can grant exceptions from this tariff regulation.

By proxy:

VITTING

DOCUMENT BOOK IV SCHNEIDER
SCHNEIDER Document No. 287
Exhibit No.
(Barkart No. 690
Exhibit No.)

District Group Hard Coal Mining Industry Ruhr of the
Economic Group Mining Industry.

Essen, 11 May 1942

G. No. 3 616

1942: Circular No. 221

Telephone: extension 122

To our members.

Subject: Furlough for foreign workers.

Please find enclosed the "Tariff regulation concerning the furlough of foreign workers employed in plants of private industry" of 20 March 1942, effective as from 1 May 1942. The tariff regulation was published in the National Labor Gazette No. 10/11 dated 15 April 1942 page IV 460/461, and commented upon in the same Gazette (page V 308). There is a new order, namely that the stipulations contained in the furlough regulations concerning the period of time after which workers are entitled to furlough, are not to be applied to foreign workers, and that foreign workers are entitled to proportionate furlough if a claim to a home trip has arisen or if they leave the plant.

DOCUMENT BOOK IV SCHNEIDER
SCHNEIDER Document No.257
Exhibit No.
(Berkert No.699
Exhibit No.)

(page 2 of original)

Furthermore, it must be taken into account, that the leave due in each case is to be granted in addition to the time taken in travelling home, that is, that the leave must be added to the off-time needed for the home - furlough.

(Glueckauf und Heil Hitler.)

God speed you and Heil Hitler.

Management:

By proxy:

FELLINGER

I hereby certify that the above is a true and correct copy of the original.

Nuernberg, 4 February 1948.

signed: Dr. Helmut DIX
Defense Counsel.

Excerpt from the book by Philipp WERTEL, Oberregierungsrat at the Regional Labor Office Bavaria, Munich, Pöschel-Publishers Stuttgart-W 1942, on "Allocation of foreign civilian workers", page 86.

Tariff regulations concerning war-time furloughs of foreign laborers employed in Germany.

Of 27 August 1941 - Reich Labor Gazette page IV 1229.

In accordance with Article 23, section 1, passage 2 of the law for regulating national labor in connection with article 18, passage 1 of the economy ordinance, I decree, in agreement with the special trustees for the mining industry, the following tariff regulations.

The new wording of the tariff regulation of 21 October 1940 concerning war-time furloughs of foreign laborers employed in Germany is as follows:

Article 1

Furlough claims.

1. Foreign workers as well as subjects of the protectorate of Bohemia and Moravia, residing abroad or in the protectorate who work in the German Reich in industry, trade or mining, when residing too far from their home so that they cannot return home daily or cannot be expected to undertake the daily journey, may claim furlough on the following conditions:
2. After completion of 6 months uninterrupted work in the German Reich, married foreign workers are entitled to furlough. Such furlough to be taken within the following half year (period of claim).

(page 2 of original)

3. Single foreign workers are entitled to furlough after completion of 12 months uninterrupted work in the German Reich. Such furlough to be taken within the following 12 months (period of claim).
4. Workers have no right to determine the date for such furlough.

The works manager will fix the date of the furlough, giving proper consideration to the transportation condition (for example, special transports) and the requirements of the works and, thereafter, to the wishes of the foreign workers.

.....

Article 5 Furlough costs.

A claim for payment of the fare home is subject to the following regulations:

1. Irrespective of how the foreigner travels home, the home and return journey is paid for III. class rail travel, from the railway station nearest the working place to the border leading to the foreigner's residence. Where there are worker's return ticket facilities the worker's claim is restricted to payment of such workmen's return ticket. Distances exceeding 150 kilometres entitle the worker to payment of the fast train surcharge where such trains are running, or to payment of the express surcharge where express trains are running.

Article 6

Wages, separation allowance etc. while on furlough.

1. There is no claim to wages or salary during the period of furlough. Where there is a claim to furlough payment, this should be paid.

(page 3 of original)

2. Where foreign workers are entitled to severation allowances, the day of the departure as well as the day of the return should be included, but not for the remaining days of the return journey. Payment to foreign workers, who incur current accommodation expenses at the place of work, should, if entitled to billeting allowances, be paid these allowances.

DOCUMENT NO. IV SOVIER
STEWART Document No. 255
Exhibit No.
Burkart-Exhibit No.:

Reich Labor Gazette No 194 e
No. 20, part 1 page 357

The Reich Labor Minister
IIIc 13326/40

Berlin, 21 June 1943.

To : The Reich Trustee of Labor.
Subject : Foreign workers, whose conditions of work are
regulated by state treaties.

The standard regulations governing home family leaves during the war, provide that foreigners, whose conditions of work are regulated by state treaties, including subjects of the Protectorates of Bohemia and Moravia, are entitled to the same claims as German workers. Working conditions of Slovaks, Italians, Yugoslavs and Bulgar labor employed in Germany are regulated by treaties. Furthermore, Dutch and Danish workers in Germany are to be included in this group of foreign labor.

For:

Dr. DABBE

Reich Labor Gazette 1943
No. 33
Part 7, page 546

Home and Family Leaves.

The large increase in the number of persons entitled to sight-seeing trips and home-leaves respectively, caused by the numerous evacuations owing to air-raid danger or bomb-damage and the dislocation of plants, necessitated a revision of the regulations valid up to date concerning home and family leaves. (Compare Reich Labor Gazette, p. 543). Owing to the greater distances, foreign employees up to the present were entitled to home and family leaves only after the completion of 6 months - in the case of single persons 12 months - work at a foreign location and were compensated by proportionately longer leave of absence. In future, also German members of the staff are to be granted home and family leave. Also in their case, the reduction in the number of home-leaves is to be made up by an increase in the length of the leave of absence. The war-production which calls for the utmost efforts, however, makes it imperative that in future, in the case of German and foreign employees, a certain amount of annual leave is deducted for the

DOCUMENT BOOK IV SCHNEIDER
SCHNEIDER Document No. 212
Exhibit "C"
Subpart-Exhibit "C":

time-off to be allowed for the home and family leave. In the case of sight-seeing trips, in the case of each family-leave, 3 days are to be deducted from the accumulated recreational leave. The formerly separate standard regulations for the German and foreign labor, can now without any further difficulties, be combined into a unified Reich standard regulation governing home and family leaves during the war. The new Reich standard regulation applicable to private enterprise, issued on 8 May 1943 by the competent Special Trustee of Labor, and was published in the Reich Labor Gazette (p. IV 774). Concerning further details reference is made to the standard regulation itself. In addition the category of personnel in future entitled to home and family leave has been extended to some degree. The new Reich standard regulation only comes into force on 1 Jan 1944, so that present regulations still retain their validity for the current year.

True, certified copy

Nuernberg, 1 Feb 1943

Signed: Dr. HAROLD DIX
Defense Counsel.

Reich Labor Gazette 1943
No 31
Part I, page 334

The Plenipotentiary for the Four Year Plan,
The Plenipotentiary General for Labor Conscription
III 12-2514

Berlin, 11 Oct 1943.

- Leave extension for foreign workers.

According to information received from the military commander in Belgium and the North of France, German plants frequently by-pass the competent labor office when granting additional leave of absence to their foreign workers on leave by sending them certificates from the plant. The military commander correctly points out, that these leave extensions are considerably hampering the agencies abroad who have to control the workers on leave and keep check on their return.

I request that plant leaders be instructed to refrain in future from granting such leave to foreign workers without the participation of the competent labor office.

For:

Signed: Dr. LUTTIG

Reich Gazette N 190/1944

dated 25 August 1944.

Ordinance concerning the introduction of a preliminary
suspension of leaves.

Dated 11 August 1944.

Total war is approaching its climax. It demands the highest efforts from each and every one. Requests for leave at present can, therefore, not be reconciled with the tasks of the German war industry.

In conjunction with the Reich Plenipotentiary for the Total War Effort¹⁾ pursuant to article 19 of the War Economy Ordinance dated 4 Sept 1939 (Reich Law Gazette I, p. 1619) and the final clause of the Ordinance concerning the re-introduction of leaves dated 17 Nov 1939 (Reich Labor Gazette I, p. 545) in conjunction with the Ordinance concerning legislation through the Plenipotentiary General for Labor Conscription dated 25 May 1942 (Reich Law Gazette I, p. 341) for the sphere of private industry and for the workers and employees in public service, I decree the following:

- 1) The regulations and agreements concerning recreational leave become invalid, effective immediately.
- 2) Employees who are on leave on the date of this ordinance, and whose leave is to last more than another week, must terminate their leave at once and return to their place of work.
- 3) The following are exempt from the leave stoppage:
 - a) Men having completed their 65th and women their 50th year by 31 Dec 1944.
 - b) Wives of members of the armed forces, whose husbands are granted leave even now.
They get their leave according to the regulations in force up to the present.
 - 4) The following are not affected by the leave stoppage:
 - a) Leave of absence from work in the case of the death or serious illness involving danger to life of the employee's husband (or wife resp.), grand-parents, parents or children, confinement of the wife or other urgent reasons.
 - b) Leave in individual cases, when it is urgently needed for the restoration of an employee's health or in order to avoid injury to his health - in particular in the case of totally disabled persons, women and young people.

- 5) The regulations concerning home and family leaves remain unaffected. However, the recreational leave will be reduced by the days which are deductible from leave according to valid regulations.
- 6) I reserve the right to decree further measures and to give decisions in case of doubt.
- 7) Employees/are unable to take their leave owing to the leave suspension will be suitably compensated when the suspension is cancelled.
- 8) The ordinance comes into force with its promulgation²⁾.
I shall decide when it becomes invalid.

Berlin, 11 August 1944.

The F. L. General for Labor Conscription.

Signed: SAUCKEL

A true, certified copy.

Signed: Dr. HERMUT DIX
Defense Counsel.

Nuernberg, 5 February 1948.

V 436 Reich Labor Gazette Part V (Soziales Deutschland) No. 27, 1943

Survey of the transfer of wages for foreign employees and
 workers (Position as per 1 September 1943)

Categories of persons concerned	Maximum rates of transfer	The transfers were made through
Workers and employees	<p>Belgium.</p> <p>Married workers up to 200.-RM, Unmarried workers up to 160.-RM, Employees up to 300.-RM. After six months of un- interrupted work in Germany, the above-mentioned maxima may be exceeded and an additional 300.-RM be transferred</p>	<p>Deutsche Bank, Division Ausland 2, Berlin W 8.</p>

Remark: Those workers from Italy, Croatia, Serbia, Slovakia, Bulgaria, Hungary and the Generalgouvernement working in Germany who were recruited in Belgium, can also send the savings they make on their wages to their respective countries. In this case, the transfer regulations for the countries concerned apply. Workers who transfer the savings on their wages to their respective countries are not entitled to transfers to Belgium. Workers from Italy recruited in Belgium since the middle of May 1941 can only transfer wages to Belgium for a certain period.

Area of Bialystok.

Transfer of savings on wages to the area of Bialystok, which is under civilian administration, can be completed through ordinary channels (through the mail or through a bank).

Bulgaria

Workers and employees	<p>Employees, industrial workers and assistant gardeners up to 120.-RM Employees in superior positions (certificated engineers and similar) up to 300.-RM Agricultural workers up to 80.-RM per month.</p>	<p>Deutsche Bank, Abteilung 2 (Foreign Division) Berlin W 8.</p>
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Remark: For workers from Bulgaria working in Germany who were recruited in Belgium and France, compare remarks pertaining to these countries.

Column 4 of the survey.

Restrictions on the export of currency on the occasion of
furlough trips and upon returning home.

(Belgium.)

Workers and employees from Belgium may acquire a travelers' credit voucher from the Deutsche Bank up to the maximum amount of 300.- RM and take it across the border on the occasion of furlough trips or their final return to Belgium (with the exception of weekend and holiday trips). Travelers' credit vouchers are sold at the counter of

the "Deutsche Bank", Berlin and its branches inside Germany as well as the following banks authorized to issue travelers' credit vouchers of the Deutsche Bank:

"Creditanstalt-Bankverein Wien" (Vienna) and its branches inside Germany,

"Deutsche Vorkontokreditanstalt A.G., Berlin" and its branches inside Germany,

"General-Bank Luxemburg A.G.", Luxembourg, and its branches.

The purchase of travelers' credit vouchers, the amount and the name of the disbursing agency are to be registered by the disbursing agency on the reverse side of the furlough or return passes which must be certified by the competent Labor Office.

As far as possible, the travelers' credit vouchers are to be applied for collectively and in good time before the departure of workers and employees by the conscription plants (Einsatzbetriebe) upon presentation of furlough or return papers. Workers and employees who received their furlough and return papers too late for ordinary purchase of travelers' credit vouchers at the above-mentioned disbursing agencies may, as an exception, purchase travelers' credit vouchers enroute in the workers' special trains.

In Belgium, travelers' credit vouchers are redeemed upon presentation of furlough or return passes at the Belgian redemption offices listed on the reverse side of the travelers' credit vouchers.

Workers and employees from Belgium who carry a travelers' credit voucher when crossing the border are not authorized to avail themselves of the permitted amount of currency for which provisions are made in Paragraph II No. 24 of the directives for foreign exchange control of 22 December 1938.

(Bulgaria.)

On the occasion of a furlough trip or when returning home, Bulgarian workers are authorized to take up to 10.-RM in inland coins or Rentenbankscheine (notes of the Deutsche Bank) in denominations of 1.-, 2.-, or 5.- Rentenmark across the border.

(Translation note: Excerpts from page 46)

Denmark.

Alsace, Lorraine and Luxembourg.

Estonia, Latvia and Lithuania.

Finland.

France.

Eigenschaft Personenkreis	Überweisungshöchstsätze	Die Überweisungen werden vermittelt durch	Näheres zum Zahlungsmittel bei Urlaubsreisen und bei der Heimreise
Dänemark.			
Arbeiter und Angestellte	<p>250,— <i>ℳ</i> im Monat für:</p> <ol style="list-style-type: none"> 1. Verheiratete (Getrenntlebende jedoch nur dann, wenn ihnen eine Unterhaltspflicht gegenüber dem Ehegatten oder ehelichen Kindern unter 18 Jahren obliegt); 2. Witwer und Witwen, denen eine Unterhaltspflicht gegenüber ehelichen Kindern unter 18 Jahren obliegt; 3. Geschiedene, denen eine Unterhaltspflicht gegenüber dem früheren Ehegatten oder ehelichen Kindern unter 18 Jahren obliegt; 4. Ingenieure (Dipl.-Ingenieure), auch dann, wenn sie nicht verheiratet sind. <p>Verheiratete Arbeiterinnen, deren Ehegatten ebenfalls in Deutschland arbeiten, dürfen monatlich nur bis zu 125,— <i>ℳ</i> überweisen.</p> <p>Für Arbeiter und Angestellte, die nicht unter eine der vorgenannten Gruppen fallen, beträgt der Überweisungshöchstsatz 125,— <i>ℳ</i> im Monat.</p>	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	<p>Dänische Arbeiter und Angestellte dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— <i>ℳ</i> in dänischen Kronen mit über die Grenze nehmen.</p> <p>Die Einwechslung in dänische Kronen hat bei der der Arbeitsstelle nächstgelegenen Reichsbankanstalt oder Devisenbank zu erfolgen. Die Bank hat dem Erwerb der dänischen Kronen unter Angabe des Betrags in <i>ℳ</i> und unter Angabe des Tags im Reisepaß oder — falls der Arbeiter keinen Reisepaß besitzt — auf dem Umschlagblatt seiner Arbeitskarte oder auf seinem Urlaubsschein oder Rückkehrschein zu vermerken.</p>

Elsaß, Lothringen und Luxemburg.

Überweisungen von Lohnersparnissen nach Elsaß, Lothringen und Luxemburg können auf dem allgemein üblichen Zahlungswegen (durch die Post oder durch eine Bank) vorgenommen werden.

Anmerkung: Die im Elsaß, in Lothringen und Luxemburg beschäftigten Arbeiter aus Italien, Kroatien, Serbien, der Slowakei und dem Generalgouvernement können ihre Lohnersparnisse nach ihren Heimatstaaten überweisen. In diesem Falle gelten die Transferreglungen für die in Frage kommenden Heimatstaaten.

Estland, Lettland und Litauen.

Arbeiter	Lohnersparnisse in voller Höhe.	Besonderes Verfahren, das in den vorhergehenden Anführungen näher er- läutert ist.	Arbeiter aus Estland, Lettland und Litauen dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— <i>ℳ</i> in inländischen Scheidemün- zen oder Rentenbankscheinen zu 1,—, 2,— oder 5,— Rentenmark mit über die Grenze nehmen.
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Finnland.

Arbeiter und Angestellte	<p>Verheiratete bis zu 250,— <i>ℳ</i>, Unverheiratete bis zu 125,— <i>ℳ</i> im Monat.</p> <p>Ingenieure können bis zu 250,— <i>ℳ</i> auch dann überweisen, wenn sie unverheiratet sind.</p>	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	<p>Finnische Arbeiter und Angestellte dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— <i>ℳ</i> in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— und 5,— Rentenmark mit über die Grenze nehmen.</p> <p>Außerdem sind sie berechtigt, vor einer Urlaubs- reise oder der Heimreise bis zu 100,— Finnmark in Hartgeld gegen Reichsmark zu erwerben und über die Grenze mitzunehmen. Eine Anrech- nung dieses Betrags auf die Überweisungs- höchstätze erfolgt nicht.</p> <p>Bezüglich der Einwechslung der Finnmark und des Vermerks im Reisepaß usw. gilt das bei Dänemark Gesagte sinngemäß.</p>
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Frankreich.

Arbeiter und Angestellte	<p>Verheiratete Arbeiter bis zu 300,— <i>ℳ</i>, Unverheiratete Arbeiter bis zu 150,— <i>ℳ</i>, Angestellte bis zu 300,— <i>ℳ</i> im Monat.</p>	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	<p>I.</p> <p>Arbeiter und Angestellte aus Frankreich können vor Urlaubsreisen (mit Ausnahme von Wochen- end- und Feiertagsfahrten) und vor ihrer end- gültigen Rückkehr nach Frankreich einen Reise- gutschein der Deutschen Bank bis zum Höchst- betrage von 300,— <i>ℳ</i> erwerben und über die Grenze mitnehmen. Die Ausgabe der Reise- gutscheine erfolgt an den Schaltern.</p>
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Zugelassener Personenkreis	Überweisungsgehalt in	Die Überweisung wird vermittelt durch	Nutzung von Zahlungsmitteln bei Aufenthalt auf bei der Heimreise
	Über die obigen Höchstsätze hinaus dürfen nach je sechsmonatiger ununterbrochener Tätigkeit in Deutschland weitere 300,— RM überwiesen werden.		<p>der Deutschen Bank, Berlin, und ihren inländischen Niederlassungen sowie folgender, ebenfalls mit der Ausgabe von Reisegutscheinen der Deutschen Bank betrauten Institute:</p> <p>Creditanstalt-Bankverein Wien und ihren inländischen Niederlassungen,</p> <p>Deutsche Verkehrskreditbank A. G., Berlin, und ihren inländischen Niederlassungen,</p> <p>Generalbank Luxemburg A. G., Luxemburg, und ihren Niederlassungen.</p> <p>Der Erwerb der Reisegutscheine ist durch die Ausgabestellen auf der Rückseite des Urlaubs- oder Rückkehrscheins, der vom zuständigen Arbeitsamt bescheinigt sein muß, unter Angabe des Betrages und des Namens der Ausgabestelle einzutragen. Die Reisegutscheine sind von den deutschen Einsatzbetrieben nach Möglichkeit gesammelt rechtzeitig vor der Abreise der Arbeiter und Angestellten gegen Vorlage der Urlaubsscheine oder der Rückkehrscheine anzufordern. Arbeiter und Angestellte, denen der Urlaubs- oder Rückkehrschein so spät zugestellt wird, daß die rechtzeitige Beschaffung des Reisegutscheins bei den vorgenannten Ausgabestellen nicht mehr möglich ist, können Reisegutscheine ausnahmsweise noch in den Arbeitersonderzügen während der Fahrt erwerben.</p> <p>Die Einlösung der Reisegutscheine in Frankreich erfolgt gegen Vorlage des Urlaubs- oder Rückkehrscheins bei den auf der Rückseite der Reisegutscheine angegebenen französischen Einlösungsstellen.</p> <p>Arbeiter und Angestellte aus Frankreich, die beim Grenzübertritt einen Reisegutschein bei sich führen, dürfen die im Abschnitt II Nr. 24 der Richtlinien für die Devisenbewirtschaftung vom 22. Dezember 1938 vorgesehene Freigrenze nicht in Anspruch nehmen.</p> <p style="text-align: center;">II.</p> <p>Die Arbeiter und Angestellten aus Frankreich sind ferner berechtigt, sich vor Urlaubsfahrten und vor ihrer endgültigen Rückkehr nach Frankreich in der Höhe Schecks ausstellen zu lassen und über die Grenze mitzunehmen, in der sie die festgesetzten monatlichen Höchstsätze nicht ausgenutzt haben. Diese Schecks, die von der Deutschen Bank ausgestellt werden, haben eine Laufzeit von sechs Monaten und werden in Frankreich innerhalb dieses Zeitraums von dem Credit Lyonnais, Paris, und seinen Filialen jederzeit eingelöst. Es werden nur Schecks in ffrs. im Gegenwerte von 10,—, 20,—, 50,— und 100,— RM ausgegeben. Da die Schecks nur auf Namen ausgestellt werden, müssen sie von dem betreffenden Arbeiter oder Angestellten selbst in Frankreich zur Auszahlung vorgelegt werden. Die Ausstellung der Schecks ist auf Antrag der Arbeiter und Angestellten durch den Betriebsführer mindestens zehn Tage vor der Abreise der Arbeiter und Angestellten bei der Deutschen Bank zu beantragen.</p>

Anmerkung: Den in Frankreich angeworbenen und in Deutschland beschäftigten Arbeitern aus Italien, Kroatien, Serbien, der Slowakei, Bulgarien, Ungarn und dem Generalgouvernement ist gestattet, ihre Lohnersparnisse auch nach ihren Heimatstaaten zu überweisen. In diesem Falle gelten die Transferregelungen für die in Frage kommenden Heimatstaaten. Arbeiter, die ihre Lohnersparnisse nach ihren Heimatstaaten überweisen, können Überweisungen nach Frankreich nicht vornehmen. Den seit Mitte Mai 1941 in Frankreich angeworbenen Arbeitern aus Italien ist die Lohnüberweisung nach Frankreich nur für eine bestimmte Zeit gestattet.

(Excerpts)

Generalgouvernement (including the areas in Eastern Galicia
annexed by the Generalgouvernement).

Greece.

Ingenieur Personenkreis	Überweisungsbefugnis	Die Überweisung wurde vermittelt durch	Nutzung von Zahlungsmitteln bei Urlaubreisen und bei der Heimreise
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Generalgouvernement (einschließlich der in das Generalgouvernement eingegliederten außerhalb des Gebiets).

Arbeiter und Angestellte	Lohnersparnisse in voller Höhe.	Besonderes Verfahren, das in den vorhergehenden Ausführungen näher er- läutert ist.	<p>Arbeiter und Angestellte aus dem Generalgouvernement dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— RM in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— und 5,— Rentenmark mit über die Grenze nehmen.</p> <p>Arbeiter und Angestellte aus dem Generalgouvernement, die ordnungsgemäß mit Zustimmung des zuständigen Arbeitsamtes in das Generalgouvernement zurückkehren, sind ferner berechtigt, vor ihrer Heimreise oder einer Urlaubsreise in Höhe ihrer gesamten in Deutschland gemachten Ersparnisse Zloty zu erwerben und die erworbenen Zloty über die Grenze in das Generalgouvernement zu verbringen.</p> <p>Der Erwerb der Zloty hat im Altreich durch die Dresdner Bank, im Warthegau durch die Ostbank A.-G., Posen, und in der Ostmark durch die Länderbank Wien A.-G., Wien, und ihre Filialen zu erfolgen.</p> <p>Auf Verlangen ist den Bankanstalten durch Vorlage von Lohnquittungen oder sonstigen Belegen nachzuweisen, daß es sich bei den Beträgen, die in Zloty eingewechselt werden sollen, um Lohn- oder Gehaltssparnisse handelt. Die Bankanstalten sind berechtigt, die Einwechslung abzulehnen, wenn sie diesen Nachweis als nicht erbracht ansehen.</p> <p>Jeder Arbeiter erhält von der Bankanstalt, die die Umwechslung der RM-Ersparnisse in Zloty vornimmt, eine Bescheinigung, in der der Name des Arbeiters oder Angestellten und die Höhe des in Zloty eingewechselten Betrages angegeben ist. Diese Bescheinigung ist auf Verlangen an der Grenze den Grenzbeamten vorzulegen und abzuliefern.</p> <p>Um eine reibungslose und vollständige Einwechslung der Ersparnisse zu gewährleisten, müssen die Betriebsführer die in Frage kommenden Bankanstalten rechtzeitig, mindestens 14 Tage vor der Rückreise der Arbeiter, unterrichten, wenn eine größere Anzahl von Arbeitern ins Generalgouvernement zurückkehrt.</p>
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Griechenland.

Arbeiter	Gewerbliche Arbeiter und Forstarbeiter bis zu 100,— RM, landwirtschaftliche Arbeiter bis zu 80,— RM im Monat.	Dresdner Bank, Abteilung ausländische Arbeiter, Berlin W 8.	<p>Die Arbeiter aus Griechenland sind berechtigt, bei Urlaubsreisen und bei der Heimreise bis zu 10,— RM in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— oder 5,— Rentenmark über die Grenze zu nehmen.</p> <p>Darüber hinaus dürfen sie vor einer Urlaubsreise oder vor der Heimreise Drachmen bis zum Gegenwert von 100,— RM erwerben und mit über die Grenze nehmen. Bezüglich der Einwechslung und des Vermerks im Reisepaß usw. gilt das bei Dänemark Gesagte sinngemäß.</p>
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Die Heimat dankt Schaffung von Soldatenhelmen
unseren siegreichen Truppen durch

Spenden mit der Bezeichnung „Soldatenhelme“ an die Bank der Deutschen Arbeit, Postfachkonto 3096 Berlin

(Excerpts)

Italy.

Occupied Territories of Carinthia and Crain.

Croatia.

Latvia.

Lithuania.

Lorraine.

Luxembourg

The Netherlands

Zugelassener Personenkreis	Überweisungsstelle	Die Überweisungen werden vermittelt durch	Mitnahme von Zahlungsmitteln bei Urlaubsreisen und bei der Heimreise
Italien.			
Arbeiter und Angestellte (s. auch Anmerkung 3)	Lohnersparnisse in voller Höhe. Der Deutschen Bank ist auf Ver- langen nachzuweisen, daß es sich bei den zu überweisenden Beträ- gen um eigene Lohnersparnisse der in Frage kommenden Arbei- ter handelt.	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	Die italienischen Arbeiter und Angestellten dür- fen bei jeder Urlaubsreise bis zu 5,— RM in inländischen Scheidemünzen oder Rentenbank- scheinen mit über die Grenze nehmen, die sie bei der Rückkehr nach Deutschland (als Zehr- geld für die Fahrkarte Grenze/Arbeitsort) wie- der einführen dürfen, außerdem bei der Heim- reise und bei jeder Urlaubsreise einen Gutschein bis zum Wert von 30,— RM und einen weite- ren Gutschein über den Betrag, den die Arbei- ter oder Angestellten für die Fahrkarte für ihre Reise von der deutschen Grenze nach ihrem Heimatsort und — bei Urlaubsreisen — auch für die entsprechende Rückfahrkarte auf- wenden müssen. Die Gutscheine werden von der Deutschen Bank oder dem Kreditanstalt-Bank- verein oder der Banca Nazionale del Lavoro in Rom ausgestellt.

- Anmerkung: 1. Wegen der in Belgien, Frankreich und den Niederlanden angeworbenen und in Deutschland beschäftigten Arbeiter aus Italien vgl. die Anmerkungen bei diesen Ländern.
2. Wegen der im Elsaß, in Lothringen und Luxemburg beschäftigten Arbeiter aus Italien vgl. die Anmerkung bei Elsaß.
3. Auf italienische Saison- und Wandergewerbetreibende (Kishändler, Stoffverkäufer, Gipsfigurenhändler und andere) und ihre italienischen Angestellten findet die vorstehende Regelung keine Anwendung. Diese Per-
sonen können nur mit besonderer Genehmigung der zuständigen Devisenstelle überweisen. Anträge sind daher
an die Devisenstelle zu richten.

Besetzte Gebiete Kärnten und Krain.

Vgl. Untersteiermark.

Kroatien.			
Arbeiter und Angestellte	Gewerbliche Arbeiter, Forstarbeiter und Angestellte bis zu 150,— RM, landwirtschaftliche Arbeiter bis zu 100,— RM im Monat.	Amtes Kroatianisches Reisebüro, Berlin SW 68 Markgrafenstr. 18.	Kroatische Arbeiter und Angestellte können vor ihrer Heimreise oder einer Urlaubsreise bei dem Amtes Kroatianisches Reisebüro einen 6 Monate gültigen Scheck bis zur Höhe von 100,— RM erwerben und über die Grenze mitnehmen. Der Höchstbetrag von 100,— RM erhöht sich für Arbeiter und Angestellte, welche die festgesetz- ten monatlichen Höchstbeträge nicht oder nicht in voller Höhe ausgenutzt haben, um den nicht ausgenutzten Betrag. Die Ausstellung des Schecks ist nach Möglichkeit bereits einen Monat vor der Heim- oder Urlaubsreise durch den Betriebsfüh- rer unter gleichzeitiger Einreichung des Reise- passes bei dem Amtes Kroatianisches Reise- büro zu beantragen. Ferner kann jeder kroatische Arbeiter und An- gestellte die Reisefreigrenze von 10,— RM in Form der Mitnahme inländischer Scheidemün- zen oder Rentenbankscheine zu 1,—, 2,— und 5,— Rentenmark in Anspruch nehmen.

- Anmerkung: 1. Wegen der in Belgien, Frankreich und den Niederlanden angeworbenen und in Deutschland beschäftigten Arbeiter aus Kroatien vgl. die Anmerkungen bei diesen Ländern.
2. Wegen der im Elsaß, in Lothringen und Luxemburg beschäftigten Arbeiter aus Kroatien vgl. die Anmerkung bei Elsaß.

Vgl. Estland.

Lettland.

Vgl. Estland.

Litauen.

Vgl. Elsaß.

Lothringen.

Vgl. Elsaß.

Luxemburg.

Niederlande.

Überweisungen von Lohnersparnissen nach den besetzten niederländischen Gebieten können auf den allgemein üblichen Zahlungs-
wegen (durch die Post oder eine Bank) vorgenommen werden.

Anmerkung: Den in den Niederlanden angeworbenen und in Deutschland beschäftigten Arbeitern aus Italien, Kroatien, Serbien,
der Slowakei, Ungarn und dem Generalgouvernement ist gestattet, ihre Lohnersparnisse auch nach ihren Heimatstaaten
zu überweisen. In diesem Falle gelten die Transferregelungen für die in Frage kommenden Heimatstaaten.

(Excerpts)

Norway.

Protectorate of Bohemia and Moravia.

Romania.

Switzerland.

Serbia.

Slovakia.

Zeichener Personenkreis	Überweisungsbetrag	Die Überweisung wird vermittelt durch	Nutzung von Zahlungsmitteln bei Urlaubsreise und bei der Heimreise
Norwegen.			
Arbeiter und Angestellte	Verheiratete bis zu 250,— R.M., Unverheiratete bis zu 125,— R.M. im Monat.	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	Norwegische Arbeiter und Angestellte dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 50,— R.M. in norwegischen Kronen und bis zu 10,— R.M. in schwedischen Kronen mit über die Grenze nehmen. Betüglieh der Einwechslung und des Vermerks im Reisepaß usw. gilt das bei Dänemark Ge- sagte sinngemäß.

Protektorat Böhmen und Mähren.

Überweisungen von Lohnersparnissen nach dem Protektorat Böhmen und Mähren können auf den allgemein üblichen Zahlungs-
wegen (durch die Post oder eine Bank) vorgenommen werden.

Rumänien.

Arbeiter	Bis zu 130,— R.M. im Monat.	Für die Lohnüberweisung rumänischer Arbeiter ist die Devisenstelle Berlin C 2, Neue König- str. 61/64, allein zu- ständig. Anträge und Anfragen sind daher dorthin zu richten.	Rumänische Arbeiter dürfen bei einer Urlaubs- reise oder bei der Heimreise bis zu 10,— R.M. in inländischen Scheidemünzen oder Rentenbank- scheinen zu 1,—, 2,— und 5,— Rentenmark mit über die Grenze nehmen.
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Anmerkung: Transnistrische Arbeiter, die bei deutschen Betriebsführern in Deutschland, im Generalgouvernement oder in den
neu besetzten Ostgebieten beschäftigt sind, können ihre Lohnersparnisse durch ihre Betriebsführer bis zu
150,— R.M. im Monat durch die Hauptverwaltung der Reichskreditkassen in Berlin nach Transnistrien über-
weisen lassen. Die Annahme der Beträge erfolgt durch die Reichskreditkassen in Odessa.

Anträge auf Überweisung von Lohnersparnissen transnistrischer Arbeiter sind ebenfalls an die Devisenstelle Berlin
zu richten.

Schweiz.

Schweizerische Staatsangehö- rige	Lohnersparnisse in der von den Devisenstellen im Einzelfalle zu- gelassenen Höhe.	Für die Lohnüberwei- sungen schweizerischer Staatsangehöriger sind die Devisenstellen zu- ständig, in deren Be- zirken die Arbeitsstel- len liegen. Anträge und Anfragen sind dort- hin zu richten.	Schweizerische Staatsangehörige dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— R.M. in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— und 5,— Ren- tenmark mit über die Grenze nehmen.
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Serbien.

Arbeiter und Angestellte	Gewerbliche Arbeiter, Forstarbeiter und Angestellte bis zu 150,— R.M., landwirtschaftliche Arbeiter bis zu 100,— R.M. im Monat. (Für volkdeutsche Arbeiter und Angestellte gilt eine besondere Regelung, über die die Arbeits- ämter Auskunft geben können.)	Deutsche Bank, Abteilung Ausland 2, Berlin W 8.	Serbische Arbeiter und Angestellte dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— R.M. in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— und 5,— Rentenmark sowie Dinare bis zum Gegen- wert von 50,— R.M. mit über die Grenze nehmen. Betüglieh der Einwechslung des Betrages bis zu 30,— R.M. in Dinare und des Vermerks im Reisepaß usw. gilt das bei Dänemark Ge- sagte sinngemäß.
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Anmerkung: 1. Wegen der in Belgien, Frankreich und den Niederlanden angeworbenen und in Deutschland beschäftigten
Arbeiter aus Serbien vgl. die Anmerkungen bei diesen Ländern.
2. Wegen der im Elsaß, in Lothringen und Luxemburg beschäftigten Arbeiter aus Serbien vgl. die Anmerkung
bei Elsaß.

Slowakei.

Arbeiter und Angestellte	a) Arbeiter: Gewerbliche Arbeiter und Forst- arbeiter: Verheiratete bis zu 80,— R.M., Unverheiratete bis zu 65,— R.M., landwirtschaftliche Arbeiter: Verheiratete bis zu 70,— R.M., Unverheiratete bis zu 45,— R.M. im Monat.	Deutsche Bank, Abteilung Ausland 2, Berlin W 8, soweit es sich um Ar- beiter bei den Her- mann-Göring-Werken handelt. Für die übrigen Arbei- ter Dresdner Bank, Abteilung ausländische Arbeiter, Berlin W 8.	Slowakische Arbeiter und Angestellte dürfen bei einer Urlaubsreise oder bei der Heimreise bis zu 10,— R.M. in inländischen Scheidemünzen und Rentenbankscheinen zu 1,—, 2,— und 5,— Ren- tenmark oder in slowakischen Geldsorten, so- weit letztere von den Bankanstalten zur Ver- fügung gestellt werden können, mit über die Grenze nehmen. Betüglieh der Einwechslung in slowakische Geld- sorten und des Vermerks im Reisepaß usw. gilt das bei Dänemark Gesagte sinngemäß.
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(Excerpts)

Categories of persons concerned	Maximum rates of transfers	The transfers were made through	Restrictions on the export of currency on the occasion of furlough trips and upon returning home.
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Spain.

Region comprising Mexico, Latin District Baltic Ruthenia and the newly occupied Eastern territories under military administration.

Workers	Savings on wages in full	The workers can save entire wages or parts thereof, for which purpose a special procedure is in force (compare elaborate statement).	On the occasion of a furlough trip or when returning home, workers from the above-mentioned areas are authorized to take up to 10.- RM in inland coins or Rentenbankscheine (notes of the Deutsche Bank) in denominations of 1.-, 2.-, or 5.- Rentenmark across the border.
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Hungary.

Zuglassener Personenkreis	Überweisungsbeträge	Die Überweisungen werden vermittelt durch	Mitnahme von Zahlungsmitteln bei Urlaubreise und bei der Heimreise
	<p>Ferner kann für jedes unterhaltspflichtige Kind im Kalenderjahr einmal ein Betrag von 50,— RM überwiesen werden, falls der Arbeiter mindestens 6 Monate im Reich gearbeitet hat.</p> <p>Für Eheleute, die beide im Reich tätig sind, gelten nur die Überweisungssätze für unverheiratete Arbeiter.</p> <p>b) Angestellte: bis zu 200,— RM im Monat.</p>	<p>Bezüglich der Angestellten vgl. Anmerkung 3.</p>	

- Anmerkung: 1. Wegen der in Belgien, Frankreich und den Niederlanden angeworbenen und in Deutschland beschäftigten Arbeiter aus der Slowakei vgl. die Anmerkungen bei diesen Ländern.
2. Wegen der im Elsaß, in Lothringen und Luxemburg beschäftigten Arbeiter aus der Slowakei vgl. die Anmerkung bei Elsaß.
3. Slowakische Angestellte können nur mit Genehmigung der zuständigen Devisenstelle überwiesen. Anträge auf Genehmigung von Überweisungen sind daher an die Devisenstellen zu richten. Die Ausstellung von Bankausweisen für slowakische Angestellte durch die Dresdner Bank kommt hiernach nicht in Frage.

Spanien.

Arbeiter und Angestellte (s. Anmerkung)	<p>Lohnersparnisse in voller Höhe.</p> <p>Der Deutschen Überseeischen Bank ist auf Verlangen nachzuweisen, daß es sich bei den zu überweisenden Beträgen um eigene Lohnersparnisse der in Frage kommenden Arbeiter handelt.</p>	<p>Deutsche Überseeische Bank, Berlin W 8, Französische Str. 7.</p>	<p>Die spanischen Arbeiter und Angestellten dürfen bei einer Urlaubreise oder bei der Heimreise bis zu 10,— RM in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— oder 5,— Rentenmark und außerdem französische Franken bis zum Gegenwert von 20,— RM mit über die Grenze nehmen.</p> <p>Bezüglich der Einwechselung des Betrages bis zu 20,— RM in französische Franken und des Vermerks im Reisepaß usw. gilt das bei Dänemark Gesagte.</p> <p>Ihren Reisebedarf an spanischen Peseten können die spanischen Arbeiter und Angestellten dadurch decken, daß sie die nach Frankreich verbrachten deutschen und französischen Zahlungsmittel ganz oder zum Teil an der französisch-spanischen Grenze in Peseten umwechseln. In Spanien selbst können deutsche Zahlungsmittel nicht oder nur mit Kursverlusten in Peseten umgetauscht werden.</p>
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Anmerkung: Die vorstehende Regelung gilt nur für spanische Arbeiter und Angestellte, die nach dem 1. September 1941 durch Beauftragte des Reichsarbeitsministers oder des Generalbevollmächtigten für den Arbeitseinsatz in Spanien angeworben worden sind.

Für spanische Arbeiter und Angestellte, die vor dem 1. September 1941 oder nach diesem Zeitpunkt, ohne durch Beauftragte des Reichsarbeitsministeriums oder des Generalbevollmächtigten für den Arbeitseinsatz angeworben zu sein, nach Deutschland gekommen sind und mit Zustimmung der deutschen Arbeitseinsatzbehörden in Deutschland Arbeit aufgenommen haben, können Lohnersparnisse nur mit Genehmigung der zuständigen Devisenstelle nach Spanien überwiesen werden. Anträge dieser Personen sind daher an die Devisenstellen zu richten.

Reichskommissariat Ukraine, Generalbezirk Weißruthenien und die unter Militärverwaltung stehenden neubesetzten Ostgebiete.

Arbeiter	<p>Lohnersparnisse in voller Höhe.</p>	<p>Die Arbeiter können ihr Arbeitsentgelt ganz oder teilweise sparen, wofür ein besonderes Verfahren besteht (zu vgl. die Ausführungen im obigen Aufsatz).</p>	<p>Arbeiter aus den genannten Gebieten dürfen bei einer Urlaubreise oder bei der Heimreise bis zu 10,— RM in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— oder 5,— Rentenmark mit über die Grenze nehmen.</p>
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Ungarn.

Arbeiter	<p>Gewerbliche und landwirtschaftliche Arbeiter bis zu 80,— RM und, wenn sie verheiratet sind, für jedes Kind 10,— RM im Monat.</p>	<p>Deutsche Bank, Abteilung Ausland 2, Berlin W 8.</p>	<p>Ungarische Arbeiter dürfen bei einer Urlaubreise oder bei der Heimreise bis zu 10,— RM in inländischen Scheidemünzen oder Rentenbankscheinen zu 1,—, 2,— oder 5,— Rentenmark mit über die Grenze nehmen.</p>
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Document Book IV SCHNEIDER
Document No. 271
Exh. No.

(Excerpts)

Lower Styria and the Occupied Territories of
Carinthia and Crain.

Main District of White Ruthenia.

Note to page 45 to 52.

Dr. Hellmuth DIX
Defense Counsel for Dr. SCHNEIDER,
Case VI.

Nuernberg, 12 Feb. 1948

To the
Translation Section,
Internal, Room 108.

We request that Document SCHNEIDER No. 271, Doc. 4 Index page 45-52, which was submitted for translation, be only translated in excerpts, as indicated by brackets.
That means that in effect only the first page of the photostatic copy has to be translated, and of pages 2-7 of the photostats, only the respective headlines pertaining to the regulations governing the transfer of wages on behalf of foreign workers for individual countries or areas have to be translated.
As an exception, however all the regulations governing the transfer of wages for the Reich Commissariat Ukraine etc. appearing on page 7, are to be translated.

Signature: Dr. H. DIX.

Inhaltsverzeichnis Personenkreis	Überweisungsstellen	Die Überweisungen werden vermittelt durch	Hinweise zum Zahlungsmittel bei Urlaubsreisen und bei der Heimreise
			<p>Jeder ungarische Arbeiter kann darüber hinaus bei einer Urlaubsreise oder bei der Heimreise einen Gutscheine in folgender Höhe mit über die Grenze nehmen:</p> <p>bis zu einem Betrage von 25,— RM, wenn er einzeln nach Ungarn reist,</p> <p>bis zum Betrage von 15,— RM, wenn er einen Arbeiter-Sonderzug benutzt.</p> <p>Die Ausstellung der Gutscheine erfolgt durch die Deutsche Bank, Abteilung Ausland 2, Berlin W 8. Für Einzelreisende haben die Betriebsführer die Gutscheine 10 Tage vor der Abreise der Arbeiter bei der Deutschen Bank unter Einsendung des Gegenwerts zuzüglich einer Gebühr von 75 Pf je Gutschein zu beantragen. Für Arbeiter, die mit Sonderzügen reisen, werden die Gutscheine in den Sonderzügen von Vertretern der Deutschen Bank ausgestellt.</p> <p>Die Gutscheine können nur an den ungarischen Grenzorten Agfalva, Csaktornya, Hegyeshalom, Losen, Somo und Szentgotthard bei den ungarischen Wechselstellen der »IBUSZ«, Fremdenverkehrs-, Einkaufs-, Reise- und Transport-A. G., gegen Pengő eingelöst werden.</p>

Anmerkung: Wegen der in Belgien, Frankreich und den Niederlanden angeworbenen und in Deutschland beschäftigten Arbeiter aus Ungarn vgl. die Anmerkungen bei diesen Ländern.

Untersteiermark und die besetzten Gebiete Kärntens und Krains.

Überweisungen von Lohnersparnissen nach der Untersteiermark und den besetzten Gebieten Kärntens und Krains können auf den allgemein üblichen Zahlungswegen (durch die Post oder eine Bank) vorgenommen werden.

Generalkommissar Weißbrunn.

Vgl. Reichskommissariat Ukraine.

Anmerkungen.

Die Aufgabe der Betriebsführung.

In der Anmerkung »Keine willkürliche Stellvertretung des Betriebsführers« (Reichsarbeitsbl. S. V 370) hatten wir darauf hingewiesen, welche hohe Bedeutung unsere Arbeitsverfassung den Führungsaufgaben des Unternehmers zuweist. Zu diesen gehören vor allem, daß der Unternehmer sich in jeder Hinsicht dafür einsetzt, daß in seinem Betriebe das Leben mit Gemeinschaftsgeist erfüllt sei und bleibe. Das bedeutet die Forderung, daß der Unternehmer, der Betriebsführer ist, einen gut Teil seiner Tätigkeit auf die Führung und Fürsorge seiner Gefolgschaft zu verwenden hat. Nunmehr weist Dr. Theodor Bühler vom Arbeitswissenschaftlichen Institut der DAF ebenfalls eindringlich in einem Aufsatz »Wandlung des Unternehmens« in der »Sozialen Praxis« vom August 1943 auf die Wichtigkeit der menschlichen Führung der Gefolgschaft als Hauptfunktion des Unternehmers im nationalsozialistischen Staat hin. Er zeichnet zunächst das Bild des kapitalistischen Unternehmers, der sich vom Kaufmann immer mehr zum Industrieller gewandelt habe. Einen hätten der Kaufmann des 19. Jahrhunderts und der Techniker des beginnenden 20. Jahrhunderts gemeinsam gehabt: sie hätten für jede in Angriff genommene Aufgabe über so viel Arbeitskräfte verfügen können, als ihnen zweckmäßig erschienen wäre. Daher — so wird mit Recht gefolgert — bedeutete die Führung dieser Arbeitskräfte weder für den kaufmännischen noch für den technischen Unternehmer ein besonderes Problem. Es wurde nur die Frage gestellt nach dem Kostenaufwand für die einzelne Arbeitskraft. Anzeichen zu einer Wandlung machten sich erst im Stadium der Rationalisierung bemerkbar; denn jetzt kam es nicht nur auf billige Arbeitskräfte an, sondern in zunehmendem Maße werden auch besonders tüchtige Arbeitskräfte verlangt. Allerdings bedeutete dies damals noch kein

besonders schwer zu lösendes Problem, da aus den Kreisen der immer zahlreicher werdenden Arbeitskräfte stets genügend Angebote vorlagen.

»Die Situation ändert sich, so heißt es in dem Aufsatz Bühlers weiter, von Grund auf in dem Augenblick, in dem infolge der weltanschaulichen Revolution durch den Nationalsozialismus und infolge der veränderten politischen Lage die Aufgaben, die der Wirtschaft gestellt wurden, über die Kapazität an Arbeitskraft hinauszuwachsen begannen. ... Es genügt festzustellen, daß seit der nationalsozialistischen Revolution im Jahre 1933 die Nachfrage nach Arbeitskraft so stark wuchs, daß sie nur mehr sehr schwer zu befriedigen ist.« Infolgedessen hat sich die Aufgabe des Unternehmers seit 1933 gewandelt. Zu den ursprünglichen kaufmännischen und technischen Aufgaben des Unternehmers ist die Funktion des Betriebsführers oder besser gesagt: Gefolgsführers getreten. Selbst wenn der Unternehmer kein Nationalsozialist wäre, müßte er sich heute um die menschlichen Probleme seiner Gefolgschaft nachdrücklich kümmern.« Bühler folgert dies aus der Tatsache, daß der Unternehmer heute schon aus eigensüchtigen Gründen mit seinen Arbeitskräften aufs sorgsamste umgehen muß, um das ihm aufgegebenes Produktionsvolumen erfüllen zu können. »Nachdem nun gar der Nationalsozialismus dem Menschen in den Mittelpunkt seiner politischen Aufmerksamkeit gestellt hat, ist die Wandlung vom kaufmännischen oder technischen Unternehmer des kapitalistischen Zeitalters zum nationalsozialistischen Gefolgsführer geradezu zwangsläufig.«

Endlich weist der angeführte Aufsatz noch darauf hin, daß in der Wirtschaft die Sorge für die Gefolgschaft noch zu besonderer Bedeutung kommt, weil die dem Gefolgsführer zufallenden volksgemeinschaftlichen Aufgaben scheinbar in einem

Cony from
Reich Law Gazette 134
Part I, page 1234

Law concerning quarters for persons working on
construction project of 13 December 1934.

The Reich Government has passed the following law, which is herewith
published:

Article 1

If workers are employed at a construction project, who have no quarters
of their own in easy reach the building contractor has to provide
dormitories and recreation rooms which will shelter the workers against
any dangers to his health, especially against exposure, which will
provide him with adequate accommodation and keep up his interest in
his work.

Article 2

The Reich Labor Minister can determine by way of decree the requirements
to which the accommodations as described in article 1 must comply.

Article 3

The officials of the Trade Inspection Board will supervise the execution
of this law and if other official authorities are generally supervising
the construction work they will also be responsible for the supervision
of the execution of this law. If the officials of the Trade Inspection
Board handle the supervision they will be subject to the regulations of
article 139b of the trade law.

Insofar as Government agencies of the Reich (also of the German Reich
Railroad Company, the "Enterprise Reich Autobahnen" and the Reich Bank)
or of the Länder are the builders or have ordered the construction to
be erected by contractors on an official site, the supervision is
to be carried out by the superior authorities of those agencies.

(page 2 of original)

Any person or persons violating intentionally or carelessly the regulations issued pursuant to this law will be punished with a fine not exceeding 150 Reichsmark, and in more serious cases with a fine or with imprisonment not exceeding six months. This provision does not apply to the authorities listed in article 3.

Article 5

With the coming into force of an order issued by the Reich Labor Minister according to article 2 all regulations of the Landers applying to the same subject become invalid.

Berlin, 13 December 1934

The Fuehrer and Reich Chancellor

Adolf HITLER

The Reich Labor Minister

Franz SEIDT

Copy from
Reich Law Gazette 1938
Part I, page 1516

(page 2 of original)

Implementation regulations to the law concerning the
accommodation for persons working on construction projects *)

Of 24 October 1938.

On the basis of article 3 of the law concerning the accommodation for
persons working on construction projects, of 13 December 1934 (Reich
Law Gazette I, page 1234) the following is decreed:

Article 1

Purview.

- (1) The following regulations are valid for quarters to be furnished
in accordance with article 1 of the law (dormitories and day rooms) for
buildings above ground alterations, wreckings, bridge constructions and
underground constructions of all kinds (also agricultural constructions
etc.)
- (2) Special quarters (day rooms) are to be provided for the workers to
stay there during recesses and in case of bad weather; this is not
necessary if there are less than ten workers employed and dormitories
have been provided for them. In the case of short-term projects or such
with constantly changing location waterproof tents can be used for day
use during the warm season.
- (3) If rooms in already existing building are used instead of quarters
built especially for this purpose, the provisions of this purpose, the
provisions of this regulation are to be applied accordingly; these
rooms must comply with the police building regulations for living
quarters.
- (4) The regulations concerning the minimum height of the rooms (article
4, paragraph 1), the quality of the floors (article 4, paragraph 1) and
the beds (article 5, paragraph 2, sentence 1 and 2) are not to be applied
to house boats.

*) Does not concern the Land Austria and the Sudeten-German territories.

(page 4 of original)

(5) The regulations concerning minimum height and air space (article 4, paragraph 1) as well as walls, roofs and ceilings (article 4, paragraph 1 and 2) are not to be applied to tents.

(6) If several contractors are working on the same building grounds they can erect common quarters.

Article 2

Obligation to make reports.

At the latest one week before beginning with his construction work on a lot which will go on for at least a week, the contractor has to report to the supervising authority the location of the lot, the number of workers to be accommodated regularly, the site and the type of the quarters as well as the name of the building manager responsible for the carrying out of this ordinance.

Article 3

Location of the quarters.

(1) The accommodations must be as close to the building grounds as possible and easily accessible. Dayrooms shall, as a rule, not be more than 300 meters distant from the building grounds.

(2) If because of the progress in the construction the distance from the overnight quarters has become too great, perhaps more than 5 kilometers and if it is not possible to move the quarters transportation must be facilitated as much as possible, e.g. by providing good cars moving on the tracks of the building lot.

(3) Quarters can only be arranged under scaffolds, or in the immediate neighborhood of scaffolds, machines and elevators, or in rooms on the top of which basic construction works are in progress, if the rooms and the access to same are specially protected.

Copy from
Reich Law Gazette 1938
Part I, page 1516/1517

(page 5 of original)

Article 4

Building directives

- (1) All quarters (day and night rooms) shall be at least 2.3 meters high in the center. They shall have waterproof walls and roofs or partition ceilings. The floor shall be furnished with a solid, dry and foot-warm covering. There shall be at least 10 cubic meters of air for each worker in every dormitory (5 cubic meters in trailers) and a floor space of at least $\frac{1}{4}$ square meter in the day rooms (0.75 square meters in trailers).
- (2) The walls and ceilings shall be painted in light colors.
- (3) The outer doors shall be tight and provided with a lock, and shall possible not be facing the windward side. Door mats shall be placed before the entrances.
- (4) Trailers shall be comfortable and safely accessible (by ladders or something similar) and shall have an emergency exit for rescue in an emergency, possibly opposite the entrance (a trap-door, sufficiently large window). Trailers shall have a middle aisle kept unobstructed and with a width of at least 0.75 meters.
- (5) The quarters shall be kept sufficiently light by means of windows (minimum size about one tenth of the floor space). The windows shall be draft-proof and shall open easily and as much as this is necessary for adequate airing.

(page 5 of original)

- (6) Trailers shall have special airing devices which must be located directly in the ceiling, or directly underneath the ceiling on the side walls.
- (7) Tents shall have built-in-air-valves to provide adequate ventilation.
- (8) A fire-proof device shall be installed for heating the rooms sufficiently during the cold season and care shall be taken that smoke and gases can escape easily. Only one day's provision of coal and wood shall be stored in the rooms. The heating shall be turned on when the outer temperature is beneath 10° center grade.

Article 5

Equipment and use.

- (1) As a rule not more than 20 workers shall be housed in one dormitory. If there are several shifts of workers each dormitory shall possibly be used by the same shift. Female persons who are ^{to} help with the work in the kitchen or similar work must be housed in separate dormitories which can be locked from inside.
- (2) Each worker shall be provided with an iron bed or one made of planed wood, which is separated from the floor through an airspace of at least 0.3 meters and must be accessible from one of the long sides. Not more than two bunks shall be placed over one another. The beds shall not be used in shifts by different persons following one another.
- (3) The bed shall be furnished at least with a straw sack and a pillow; with one wollen blanket in summer and with two or a featherbed in winter.
- Each bed

(page 7 of original)

shall be furnished with one sheet and one case each for the pillow and for the blankets or the featherbed.

(4) The bed linen shall be changed at least once a month, the straw as often as necessary, at least once every three months. Every newly arriving worker shall be given a bed with fresh straw and clean linen.

(5) Every worker shall be assigned a place where he can lock up his clothes, or a wardrobe large enough to comfortably hold the clothes needed for the duration of his employment as well as foods. If only day rooms are required hooks must at least be provided to hang the clothes on and on top of those shelves shall be attached to the wall with individual partitions to store the foods and drinks brought along by the workers. There shall be sufficient room for every worker to change his clothes.

(6) Adequate devices shall be installed for the drying of wet clothes and they should possibly be in the dormitories and the day rooms. Clothes and shoes must be hung up and placed in a way that they can dry and air from all sides (hooks with clothes-hangers; shoe racks, not whole boards!)

(7) Tables and seats made of planed wood are to be furnished in sufficient numbers so that every worker can find a seat and a place at the table.

(8) Appropriate installations for the warming up of foods and drinks as well as fuel shall be provided unless there is a common kitchen.

(page 1518)

Warm water shall be furnished for the washing of the dishes.

(page 8 of original)

- (9) Clean water for drinking, cooking and washing shall be provided in sufficient quantity for each place of accommodation.
- (10) There must be one wash basin for each worker and if there is running water at least one faucet for every five workers.
- (11) Rooms which are to be used during the dark hours shall be lighted in a way so that there is enough light for reading and writing near the tables; no open light shall be used.
- (12) All rooms must be kept free of vermin and shall be cleaned daily. In addition to this floors and seats shall be scrubbed once a week and the tables every day. A sufficient number of ash-trays as well as waste-baskets (for paper etc) shall be placed in every room, which shall be emptied as often as necessary, at least once a day. These waste-baskets shall not be used for food left-overs.
- (13) The workers are to be instructed through posters to take good care of all rooms and siderooms. By means of posters it shall be announced there will be no stretching out on beds with one's clothes and boots on, neither shall there be any spitting on the floors of these rooms.
- (14) Building materials and tools, as well as bicycles must not be stored or kept in the quarters.
- (15) Lockable places shall be provided for the workers to keep their tools.
- (16) Equipment shall be provided for the storing of bicycles so that they will be sufficiently protected against the weather and will be safeguarded against theft.

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Lavatories.

- (1) Unless there are lavatories in easy access, urinals and special lavatories must be installed for every place of accommodation. Female persons who are working in the kitchen etc. must have a special and separate lavatory at their disposal. The lavatories must be built separately, away from the street, and at least at a distance of 20 meters from the quarters and from the source of drinking water, and must be built in a place where they can easily be found in the dark. The ways of access must be firmly constructed.
- (2) The lavatories must be kept in a perfect condition from the sanitary and moral point of view. They must be weatherproof, must have openings for light and air and must be sufficiently lighted at night.
- (3) For every twenty workers at least one lavatory shall be provided, which shall consist of one solid seating board, a planed seat with a lid, side walls and a door which can be locked from the inside, unless, in a special case latrines are considered sufficient.
- (4) The floors and seating boards must always be kept clean. The seating boards shall be scrubbed as often as necessary, but at least once a week.
- (5) Lavatories which cannot be connected with public sewers are to be provided with waterproof containers, or, if the location permits it, with a tightly closed drain which, especially during the hot season must be frequently disinfected with adequate means (lime, chlorine or something similar). It is recommended to throw frequently pest-dust into the containers and drains. The contents of the containers

(page 10 of original)

and drains must be removed as often as necessary.

Article 7

Sick-rooms, First Aid.

(1) For each place of accommodation housing usually more than fifty workers one sick-room shall be provided. It shall have at least two beds and be equipped in accordance with its purpose. A plant assistant with first-aid training must be on the premises and within easy reach. Address and telephone of the nearest physician shall be announced by poster.

(2) Every building place shall have an adequate supply in perfect quality of the emergency first-aid equipment as listed in the "Directives for first-aid in accidents" issued by the association of German trade organizations.

(page 1519)

Article 8

Fire Protection.

(1) Every place of accommodation shall have an ever-ready fire extinguisher (pails, full of water hand fire-extinguishers known as reliable, or similar devices).

(2) Electrical installations must conform with the regulations of the organization of German Electricians.

Article 9

Final and transitory regulations

(1) The supervising agency is authorized to make further demands in individual cases inasmuch as they seem necessary with regard

(page 11 of original)

to the type of work and the location of the building grounds; it also can permit more lenient regulations, if they seem to be adequate in accordance with the circumstances.

(2) Copy of this ordinance is to be posted at a place of the building grounds which is easily accessible to the workers.

Article 10

Coming Into Force

The effective date of this ordinance will be 1 January 1939. On that same day the implementation regulation to the law concerning quarters for persons working on construction projects of 10 January 1935 (Reich Law Gazette I, page 10) become invalid.

Berlin, 31 October 1938

The Reich Labor Minister

For: Dr. KROHN

Excerpt from the Information Bulletin of the Reich Minister
for Armaments and Ammunition, Year 1943, page 72:

Joint Decree of the Reich Minister for Armaments and Ammunition
and the Plenipotentiary for the regulation of the operation
barrack construction (Barackenaktion), dated 6 June 1942.

- 1) To the branch offices of the armament production division.
- 2) To the chief building inspector of the capital.

Subject: Operation Barrack Construction.

1. The housing of the workers, brought in from the occupied East and West territories for the extension of the existing production capacity, is one of the most important measures for the increase of armaments.
2. The requirements in labor, transportation and fuel for the completion of this operation therefore have priority over all building activities.
3. The branch offices are authorized to requisition iron and wood for the construction from the available stocks of the OKW, and MA; fuel can be requisitioned from the available stocks of the OKW respectively OKH and OKL; laborers may be taken from the nearest construction sites in all areas under the control of the branch offices and, in agreement with the district commissioner and the labor offices, also from areas not under the control of the branch offices.

Attention is called to the circular of the GP-Bau, dated 4 June 1942.
4. Determining factors in the selection of a site are: good location in respect to the plant and favorable construction conditions (short cables, short driveway).

(page 2 of original)

5. In accordance with the application of the edict of the Plenipotentiary for the Four Year Plan, dated 29 September 1939 - St.V.Dev. 10972/39 - I reserve for myself the right to decide on the selection of the site in case of difference of opinion. I delegate this application of the 25th order G2-Bau regarding the reorganization of the procurement of barracks to:

- a) the chief building inspector for the district of the capital within the Berlin circle
- b) the respective branch offices of the armament production division for the Reich territory.

For the construction of the camps the Goering-decree of June 1941, regarding emergency war construction, is applicable. The decision of the efficiency expert therefore supercedes the wishes of the building, health and fire police and of the air raid protection.

6. The R.f.F. also furnishes the G2-Bau number for the erection of newly delivered barracks.

The district commissioners are directed to grant special permits, within the framework of the amount of building allotted to them, for the adaptation of existing billets.

7. In view of the existing transportation difficulties the greatest possible effort will be made to billet the announced workers in already existing, fairly well located camps or adapted quarters (assembly halls, gymnasiums, schools).

8. The urgently needed kitchen and other facilities will be taken from the unused RAB camps until new deliveries are made.

(page 3 of original)

9. Closest contact is to be maintained between the labor offices and the armament inspectors so that, should the workers transports have to be received before the completion of the barracks, arrangements can be made for the erection of tents or the preparation of emergency billets.
10. The welfare office of the German Labor Front is prepared to take over the management of the camps, where the plants are not in a position to do so. Early collaboration with the German Labor Front is necessary.

Signed SPUR

The Plenipotentiary for the Four Year's Plan

The Plenipotentiary General for the Labor Supply.

No.V. a 5550/511

Berlin, 15 July 1942

11 Aug 1942
Stamp

This Directive is to be issued only
against receipt.

Directive No.9.

Regarding the inspection of the billets, the food, the heating and maintenance of the camps by camp artisans.

- I. a) Prior to 10 August 1942 all labor offices will inspect all plants which employ foreign labor to see if they have properly carried out all directives and decrees regarding the housing, feeding, and treatment of foreign male and female workers, and prisoners of war. I ask the offices of the NSDAP and DAF to take a decisive part in this inspection.

When deficiencies are determined the plant manager will be given a time limit for their correction. In cases where the deficiencies are caused by difficulties of obtaining materials etc. every possible help will be given to the plant manager to eliminate obstacles.

- b) Records will be prepared on the results and will be forwarded, as rapidly as possible to the Gauleiters and presidents of the state labor offices. By 15 August 1942 the state labor offices will make a consolidated report to the Plenipotentiary General for the Labor Supply. This must be countersigned by the appropriate Gauleiter.

(page 2 of original)

2. a) All plants employing foreign laborers will immediately contact their respective food offices, section A, in order to assure the food for the foreign laborers supply in their camps for the coming winter.

It is obvious that this will have to be done with particular care for the drafted German laborers. Timely and proper storage of supplies will give a feeling of security and ease the transportation problem.

- b) In particular the potato supply should be assured now. The sources of supply will be determined in collaboration with the food offices. Transportation will be planned so as to ease rail transportation.

Suitable storage will be prepared immediately. Any spoilage must be prevented. Where labor is needed for the establishment of such storage facilities, which cannot be supplied by the foreign laborer of the plant, requisition should be made with the labor office.

A similar procedure will be followed for all other food stuffs which can be stored.

- c) In all camps and billets, where it is at all possible, late vegetables will still be planted this year (of course, by the foreign workers themselves). For next year the planting is to be carried out on principle and systematically, among others also sun flowers.

Curing common excursions wild growing vegetables should be gathered under direction and supervision.

3. All plants will take care that the camps and billets can be heated when cold weather comes and that the necessary fuel is ordered and stored in time. They have to inform

(page 3 of original)

the competent economic office of their requirement at once. Severe orders are to assure greatest saving and prevent any waste. Safety orders are to be announced.

It is to be determined during what hours heating will be permitted. Specific individuals will be trained and made responsible for the heating.

4. The good maintenance of the camps and billets of the foreign male and female workers is of the greatest importance. This will have to be done by these themselves.

For this purpose several suitable workers are to be designated for each camp, who will carry out this maintenance work for their compatriots. They will be paid by the plant. They have to look after order and cleanliness and make all the necessary repairs.

They may also contribute to the improvement and beautification of the installations through landscape work etc.

It is equally profitable, and even important, to establish a shoemaker and a tailor shop in each camp.

In addition to this, all foreign workers should be given the opportunity to use their free time in their own interest for the improvement of their billets and for the construction of necessary articles of daily use. Of course, only within the possibilities of the war economy.

signed: SAUCKEL

G. (initial)

L 44 Wbg 21000 7 42 N/0982

C o p y

from the National Labor Gazette, 1943, I, page 368 ff
Decree concerning the Housing of Workers in Camps for the
Duration of the War, dated 14 July 1943.

On the basis of article 2 of the law regarding housing in buildings dated 13 December 1934 (RGHD, I, page 1234) and article 9 of the decree for the safeguarding of labor supply for purposes of special political importance, dated 13 February 1939 (RGFL.I, page 206) it is decreed:

Article 1

Affected Area

- (1) This decree is effective for all camp housing of workers who are employed in plants and administrations of any kind. Exempted are farm and forest laborers and prisoners of war.
- (2) Camp housing refers to common housing for at least 10 workers. In special cases this minimum number may be reduced by the supervising authority (Article 13).

Article 2

Duty of Report

- (1) Anyone who wants to house workers in camps, or who has housed workers in camps is obligated to report immediately to the supervising authority (Article 13) the location of the housing, the number of workers to be housed or already housed in camps, as well as the name of the person who is responsible for compliance with the provisions of this decree.

(page 2 of original)

(2) If it may be expected that the billet will no longer be used, or not be used for a longer period of time for the camp housing of workers, the day of closing is to be reported to the supervising authority in advance.

Article 3

Construction and Form of the Billet.

- (1) For housing of workers in camps an unobjectionable and sufficient supply of drinking water and water for general use, and the harmless removal of solid and liquid refuse has to be assured.
- (2) The billet has to be clearly arranged and bordered in such a way that the entrance of unauthorized persons to the quarters can be prevented.
- (3) Depending on the size of the billets the necessary additional rooms, besides bed-rooms and day rooms, have to be provided. This refers primarily to administrative rooms, wash-rooms, drying and ironing rooms, work-rooms, as well as supply rooms and store-rooms.
- (4) In building or extending of billets, care should be taken to go beyond the minimum requirements of this decree, as much as possible under war time conditions, by purposeful extension and beautification. In this way living in billets is to be made easier for the workers, the inconveniences of camp life will be reduced and the willingness to work will be maintained.

Article 4

Occupation and Furnishing of the Sleeping Quarters.

- (1) Every worker will be furnished with a bed. It is not permitted to place more than two beds on top of each other. The horizontal distance between beds must be, at least, the width of a chair.
- (2) The air space in a sleeping quarter may not be less than 7 cbs per worker.
- (3) In women's quarters no more than 12 women may be placed in one sleeping room.

(page 3 of original)

- (4) Furnishings have to be provided in which the clothes, valuables, food, etc. of each worker can properly be kept.
- (5) At least one table and a seat of plained wood for each worker have to be provided in each sleeping room.
- (5) During the cold season the sleeping quarters have to be heated sufficiently.

Article 5

Day Rooms.

Depending on the size of the billet and the number of national groups housed there, special day rooms have to be furnished to provide for the rest and recreation of the workers in their off duty hours and which can be used for community events. During the cold season these rooms, too, have to be suitably heated.

Article 6

Common Messing

In each billet a common mess will be established. Suitable rooms must be provided for eating purposes.

Article 7

Washing Facilities

- (1) To make sufficient personal cleanliness possible washing facilities with running water are to be planned in such manner as to provide one tap for each 5 workers. If such a facility cannot be created, one washbasin has to be provided for each three workers.
- (2) In addition, each worker must be given the opportunity to wash in warm water once a week. For this purpose shower facilities of sufficient size should be in each billet or available near the camp.

(page 4 of original)

Article 8

Toilets.

(1) The toilets have to be unobjectionable from a sanitary point of view; they have to be divided for men and women. At least one toilet seat is to be provided for each 20 male workers and for each 15 female workers. For male workers a urinal will also be provided. These toilets will be kept clean at all times; they will be scrubbed as needed, but not less than twice a week.

(2) Billets for women must be provided with night toilets, which are connected with the sleeping quarters.

Article 9

Cleaning

All rooms will be cleaned daily. The rooms and occupants will be checked regularly for insects. Suitable facilities have to be available for the extermination of insects.

Article 10

First Aid, Doctoral Care, Sickroom.

(1) Each billet will have available first aid material in sufficient quantity and of unquestionable quality. A worker, trained in rendering first aid must be in reach at all times.

(2) Doctoral care must be assured for all workers quartered in the billets. Residence and phone of the respective doctor have to be posted in the billet.

(3) A sick room must be provided in every housing unit customarily occupied by more than 50 workers. In units where more than 200 persons are housed, provisions also must be made to separate the infectious sick (isolation room). The sick room must be equipped so as to serve its intended purpose. At least two beds must be available for every 50 workers.

(page 5 of original)

Article 11

Fire Protection

Fire fighting apparatus (water mills always kept full, or similar implements) must be available for use at all times in each housing unit.

(2) Electrical installations must comply with the provisions of the Board of German Electrical Engineers.

Article 12

Special Regulations.

The supervisory authority (article 13) may issue in individual cases additional regulations, or, by agreement with the competent office of the German Labor Front, grant concessions, which seem appropriate under the circumstances.

Article 13

Supervision.

(1) The trade supervising authorities are charged with supervising the execution of this decree, as are the mining authorities in cases concerning mining companies. The rights and duties of the supervising authority are regulated by article 139, of the provisions of the Industrial Code; the provisions of the decree of 15 February 1939 (Reich Law Gazette I, page 218), article 2, will apply in the Reichsgau (province) Sudetenland, the provisions of the decree of 7 March 1940 (Reich Law Gazette I, page 552), article 12, will be in force in the Donau and Alpenreichsgauen (Austria, or Danubian and Alpine Reich Provinces).

(2) The execution of this decree will be supervised by the superior offices of the following entities: Publicly-operated enterprises; administrations of the Reich, "Undertaking-Reichsautobahnen"; administrations of towns and of municipal communities.

(3) The competency of the health offices and of other offices governed by other provisions remains unaffected.

(page 6 of original)

Article 14

Penal Provisions.

Whoever intentionally or negligently violates any of the provisions of this decree, or any provisions which have been issued by reason of this decree, will be punished by a fine of up to 150 Reichsmark, and in serious cases by a fine or with a jail sentence not to exceed six months.

Article 15

Coming into Force.

- (1) This decree will become effective as of 1 August 1943. It is also valid in the incorporated Eastern territories. The Reich Minister of Labor shall determine its date of ineffectiveness.
- (3) The executory decree for the Law concerning Housing and Construction, of 24 October 1938 (Reich Law Gazette I, page 1516) will become ineffective for the duration of the validity of this decree.

Berlin, 14 July 1943

The Reich Minister of Labor

Franz SEIDT

Excerpt from the Labor Law index 839
1st ordinance 1942
"Canteen" IV D c)

c) Food allocation for workers in communal camps

By decree of 8 December 1941 - II/1 - 12,308 the Reich Minister for Food and Agriculture gave new directives for the food allocation for workers in community camps. Previous experiences proved that with regard to their occupation in the plant most of the camp inmates are not to be considered as heavy workers, but only as long-hour-workers. In consequence of this the following has been decreed, simultaneous in effect with the new regulation for the consumers' rations issued with decree of 24 February 1942 and coming into force on 6 April 42 - (II C 1 - 800; German Reich Gazette and Prussian State Gazette No. 66) and it is published in the circular decree of the Reich Minister for food and agriculture of 22 March 1942 (II/1 - 6454):

1) All workers who are housed in camps and who receive communal food in the camps will, on principle, receive the food rations of long-hour-workers which consists of

meat ration per week	450 grams
fat ration per week	225 grams
bread ration per week	2500 grams

In addition to this the food establishments of the communal camps will with appropriate application of the regulations for canteen kitchens receive per capita and per week:

30 grams of flour
60 grams of farinaceous foods or potato starch products

This news service is confidential.

Excerpt "B"

from the circular of the provin-
 cial Food Office, Section B,
 Iron, Friedrichstrasse 1 of
 13 July 1942 II 4. 13 h.

I. Food Rations for Labour Community Camps (Arbeitergemeinschafts-
 lager).

For the 39th ration period: 27 July to 23 August 1942.

Type of food.	1 2 3		
	Rations in Labor Community Camps for 14 days (all in grams)		
	As certified by the industrial inspection board or mining board. general heavy very heavy workers workers workers		
Rye flour }	2400,-	3000,-	4000,-
Bread flour }	1200,-	1500,-	2000,-
Flour }	600,-	600,-	600,-
Flour (for cooking)	60,-	60,-	60,-
Meat (incl. bones) and meat products	900,-	1200,-	1700,-
Lard or unrefined hog's lard	30,-	156,25	531,25
Butterfat	-	-	-
Butter	287,5	287,5	287,5
Margarine	107,5	142,5	300,-
Edible oils	25,-	25,-	25,-
Cheese (hard, sliced, cream, mixed cheese)	62,5	62,5	62,5
Cottage cheese	62,5	62,5	62,5

(page 2 of original)

Type of food.	1	2	3
	As certified by the industrial inspection board or mining board.		
	general	heavy workers	very heavy workers
Eggs, As called up same as normal consumers			
Grain cereals (such as barley, pearl barley, barley groats, wheat, corn grits, oatmeal, oat-grits, -groats, -flour, etc.)	187,5	187,5	187,5
Grain cereals or farinaceous goods	87,5	87,5	87,5
Potato products (such as tapioca, potato- starch-flour, pudding powder, rice flakes, rice flour, Millet dessert, sauce powder for sweet dishes,)	25,-	25,-	25,-
Cereals) Extra rations	110,-	110,-	110,-
Potato starch) for labor commu- products) nity camps	10,-	10,-	10,-
Coffee Beans	156,25	156,25	156,25
Sugar	450,-	450,-	450,-
Marmelade	350,-	350,-	350,-
Potatoes	5000,-	5000,-	5000,-

I, Erich GÖTTE, 56, know that I make myself liable to punishment if I submit a false affidavit. I declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuernberg.

The illustrated table on the other page of the food rations has been drawn up on the basis of official data furnished by the Oberpräsident of the Rhine Province (Food Office of the Rhineland) and of the Food Office of Westphalia.

(signed) Erich GÖTTE

Essen, 1 July 1947

Document register No. 428/1947

I herewith certify the above signature executed before me of the mining assessor Erich GÖTTE of Essen-Heisingen, Altesstr. 54
Essen, 4 July 1947

Notary's stamp

Dr. Paul SOMMER
Notary

Statement of costs:

Value: 3000 RM.

Fees articles 104, 26, 39 Reich Cost Regulation 4,— RM

Turnover tax

—,12 "

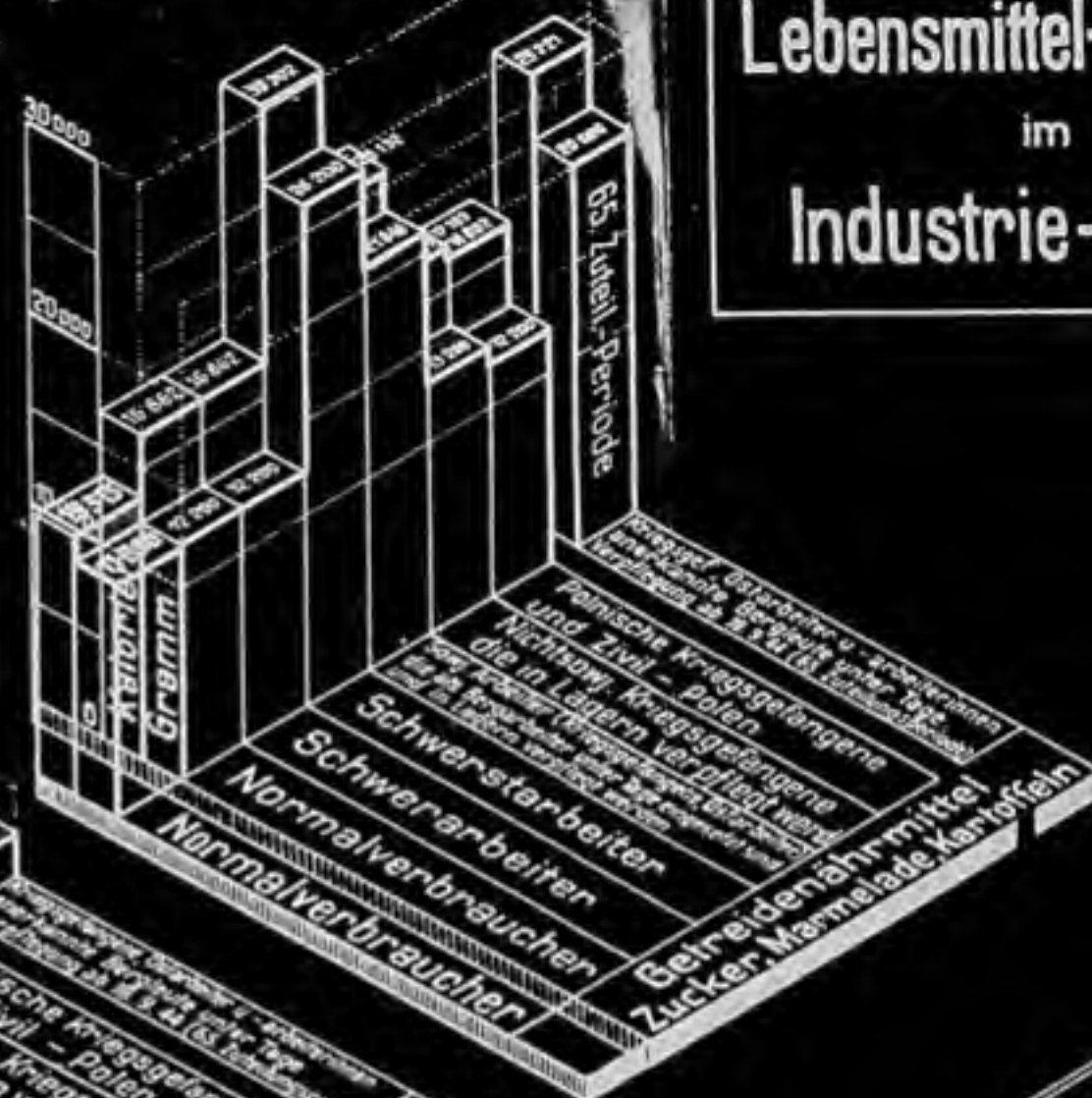
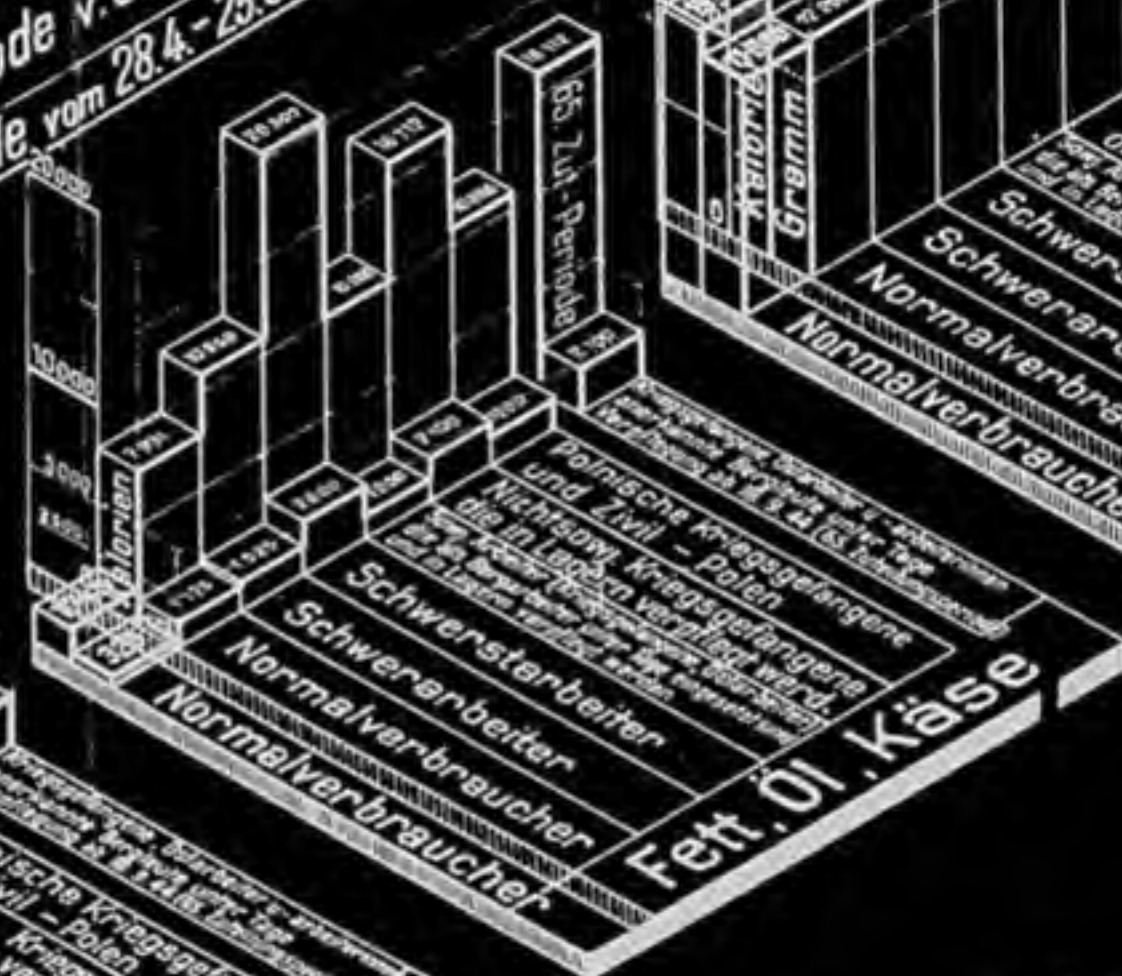
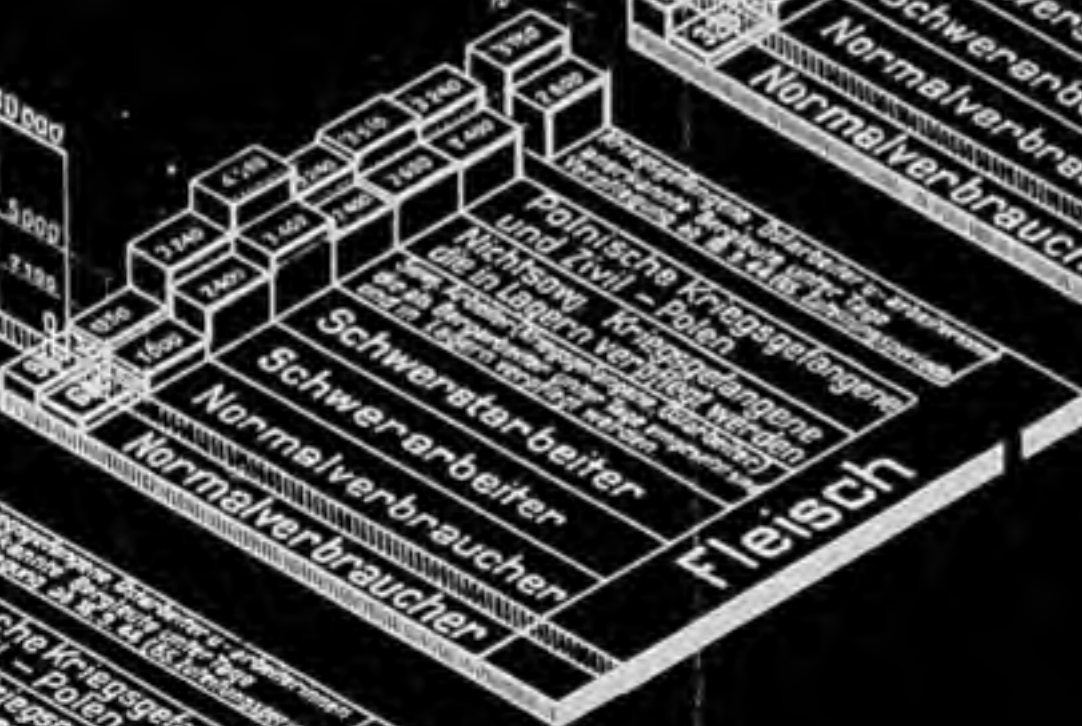
Total 4,12 RM

Dr. SOMMER

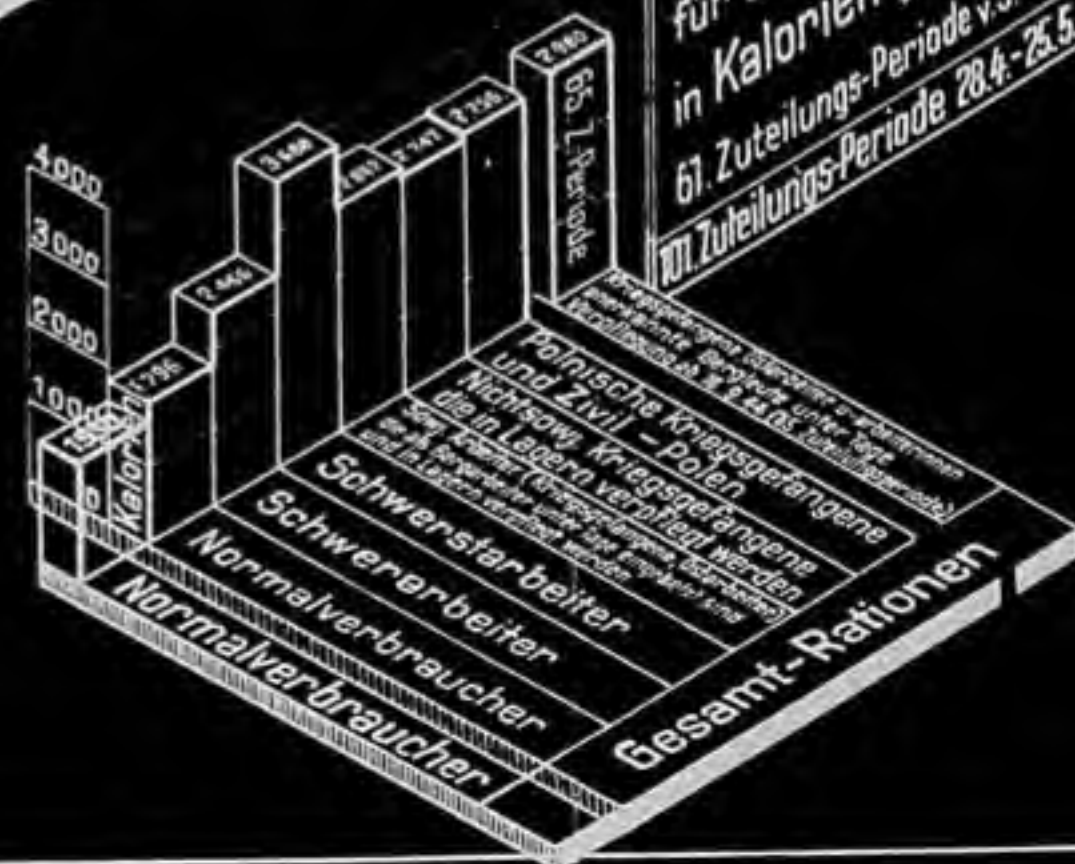
Notary

Lebensmittel-Rationen im Industrie-Gebiet

**Rationssätze der Einzelpersonen
in Gramm und Kalorien für 4 Wochen**
61. Zuteilungs-Periode v. 3.-30.4.1944
rot = 101. Zuteilungs-Periode vom 28.4.-25.5.1947



**Gesamt-Rationssätze
für Einzelpersonen
in Kalorien je Tag**
61. Zuteilungs-Periode v. 3.-30.4.44
101. Zuteilungs-Periode 28.4.-25.5.47



Food Rations in Calories.

(According to the rates determined by the food offices)

Plant in Northern Rhineland .

	Normal Consumers	Heavy Workers	Very Heavy Workers
<u>I. Ration Period 57, 68 and 69</u>			
<u>(18/9 - 10/12/44)</u>			
German workers	1 618	2 308	2 909
Eastern workers and P W	1 774	2 207	2 497
Foreign civilians	2 214	2 468	3 136
<u>II. Ration Period March 1945</u>			
German workers	1 289	1 877	2 461
Eastern workers and P W	1 305	1 690	1 968
Foreign civilians	1 698	1 953	2 547
<u>III Ration Period 77</u>			
<u>(25/6 - 22/7/45)</u>			
German workers	969	1 574	1 812

I hereby certify that the above signature is the signature of
 Dr. Wilhelm AHRENS, Duesseldorf, Ikenstr. 39 and was affixed in
 my presence.

Duesseldorf, 29 May 1947.

(signature) Dr. Wolfgang POHLE,
 Attorney and Deputy Defense Counsel.

(page 2 of original)

Plant in Westphalia

Normal Consumers	Heavy Workers	Very Heavy Workers
------------------	---------------	--------------------

I. Ration Period 69 (13/11 - 10/12/44)

German workers	1 577	2 600	3 294
Eastern workers and PW	1 542	2 274	2 588
Foreign civilians	2 279	2 537	3 258

II. Ration Period March 1945

German workers	1 402	1 980	2 574
Eastern workers and P W	1 481	1 869	2 147
Foreign civilians	1 894	2 174	2 744

III. Ration Period 77 (25/6 - 22/7/45)

German workers	1 028	1 632	1 877
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I declare in lieu of oath that all figures have been taken from available plant reports, the correctness of which has been also certified in lieu of oath and that the figures are exactly the same as in the originals.

Duesseldorf, 29 May 1947

(signature) Dr. Wilhelm AHRMS.

THE CHIEF CITY MANAGER OF COLOGNE,

Main Office for Food and Agriculture.

Chief City Manager for Cologne.	Telephone	Extension
	58481	6

Herrn

Rechtsanwalt Dr. Herbert NATH,

Nuremberg,

Rothenburger Strasse 50, III.

Your letter:	Your ref.:	Date:	Our ref.:
24/4/47		3/5/47	No/Ref.

In reply to your inquiry of 24 April I list the amount of calories for the population of Cologne during the last six weeks as follows:

100th Ration Period:

first week (30/3 - 5/4/47)	-	1 626 calories
2nd week (7/4 - 12/4/47)	-	1 146 "
3rd week (13/4 - 19/4/47)	-	1 118 "
4th week (20/4 - 26/4/47)	-	737 "

101st Ration period:

first week (27/4 - 3/5/47)	-	976 calories
2nd week (4/5 - 10/5/47)	-	876 "

By order

(signed) KATTANE

Assistant
(Beigeordnete),

(page 2 of original)

City of Stuttgart
Food Office
Stuttgart O, Gerokstrasse 13a

To: Herr Dr. Herbert MAER
Bothenburgerstrasse 50 III
Nuernberg

Enclosures Your Reference Your letter My reference
24 April 1947 Lu/Scha

Stuttgart
19 May 1947

With reference to your inquiry of 24 April 1947, we are herewith
quoting you the daily calory rations for adult normal consumers in
Stuttgart:

100th ration period:	
From 31 March to 27 April 1947	1296 calories
101 st ration period:	
I. week from 28 April to 4 May 1947	864 calories
II. week from 5 May to 11 May 1947	865 "
III. week from 12 May to 18 May 1947	693 "

(Signed) BOSLER

Excerpt

from "Nuernberger Nachrichten", volume 3, No. 36 of 7 May 1947

(Page 1)

Only 600 calories in the British Zone.

At first, the extra rations of the miners were cut. - "Feeding
until new harvest only with foreign help possible", Hamburg,
6 May (AP). - The food crisis in the British zone of Germany en-
tered into its third week,

(page 3 of original)

without any improvement for the near future being in sight. As reported by German sources, the rations to be distributed this week will amount to only 800 to 900 calories, as compared with the normal ration allowance of 1550 calories.

Only a little more than half of the normal bread rations, and two thirds of the cereal rations could be allocated. There are neither fish, potatoes, nor fats. The extra rations of the miners, too, were affected by the scarcity. Difficulties with the distribution arose in various canteens.

As most important measure for the alleviation of the emergency, a motion adopted at a meeting of the Zentral Vorstand of the Federation of German Cities proposed, (as reported by DEMA), for the purpose of securing the fat supply, to open up the existing possibilities of importing hard fats from Denmark, and whale oil from Norway, as well as Germany's participation in the whaling industry. Besides, a sufficient import of wheat should be made possible, and ships should be released for intensified fishing, to improve the supply of proteins. Continued feeding until harvest time could only be carried on by foreign help.

.....

AFFIDAVIT

I, the undersigned Hans BISLE, residing at Muenchen, 23, Feilitzschstrasse 3, assure that the following affidavit is true, and has been made in order to be presented as evidence before courts, particularly the Military Tribunal in Nuernberg. I have been cautioned that my statements must be true, and that I would make myself liable to punishment by giving false evidence.

By a decision of the Bavarian State Ministry of Economics I was appointed on 19 April 1940 leader (Leiter) of the newly-to-be established camp economy office (Lagerwirtschaftsamt) for the military economy district VII (subsequently the state economy office district (Landeswirtschaftsamtbezirk) Muenchen).

Upon order of the Regional Military Government, in Muenchen, I was dismissed from my position as leader of the camp economy office on 20 August 1945, by reason of my membership in the Nazi party (from 1 May 1941 till the end of 1945), and because of my transfer, effected in November 1934, as Stahlhelmbereicher-fuehrer (Steel helmet staff sergeant) to the NSKK (National Socialist Motor Corps), which I left in July 1937.

The camp economy office was established to safeguard a fair distribution of the stocks of rationed consumer's goods to the community camps (Gemeinschaftslager), and to the indigenous and foreign building and factory workers who were living there. The camp economy office was not in the least concerned with the utilization (Arbeitsinsatz) of the foreign workers.

(page 2 of original)

After it was established in June 1940, the camp economy office took care of supplying

about 25,000 German workers and
" 10,000 foreign workers

with rationed consumer's goods, exclusive of foods and luxury items.

These figures fluctuated visibly as the war progressed, the number of German workers decreasing due to inductions into military service, while the number of foreign workers became rapidly larger. At the end of the war, the camp economy office was in charge of supplying

about 120,000 foreign workers, and
" 15,000 German workers, inclusive of

auxiliary war service girls.

Only in the state economy office district Muenchen was there a camp economy office, but not in the rest of the state economy office districts, where the respective local economy office (Wirtschaftsamt) was competent, which did not guarantee the same uniformity and advantageous immediacy as was the case with the camp economy office in relation to the state economy office district Muenchen.

My work as manager of the camp economy office consisted of:

1. In establishing same, from 19 April to 30 May 1940.

2. Supervising the decree by the Bavarian State Ministry for Economics, of 19 April 1940, concerning the duty to register construction and factory workers camps, the camps of auxiliary war service girls, and the nursery homes for foreign mothers.

(Enclosure 1 to 4)

(page 3 of original)

3. Procuring the requisite fabrics for the furnishing of the camp living quarters, and of the nursery homes for expectant foreign mothers.
4. Procuring soles, glue and thread for the shoe repair and tailor shops which had been established in the camps.
5. The procuring of ration cards for working and professional clothing, haberdashery and underwear, shoes, soap and cleaning materials, for the indigenous and foreign construction and factory workers which were housed in the community camps.
6. In providing the foreign workers, who lived privately, and who resided already before 1 July 1939 in the German Reich, with ration cards for work and professional clothing, haberdashery and underwear, shoes, soap and cleaning materials.
7. In the allocation to the camp business offices of ration cards for bicycle tire replacements.
8. In procuring of furnishings for the prisoner of war camps, and in providing the prisoners of war who worked in factories with supplementary working and professional clothing, working shoes, soap and cleaning materials.

The Camp Economic Office (Lagerwirtschaftsamt) and its supervisory authority, the Regional Economic Office in Muenich, did everything within their power to provide the foreign workers who were located in the military economic district VII speedily and in good order with buying permits for clothing, underwear, shoes, soap and laundry-soaps. In this effort I had the energetic assistance of those plants which employed foreign workers. The way this was done was, that these firms, with few exceptions, upon request of the Regional Economic Office very readily put clerical help with typewriters at its disposal in order to expedite as much as possible the clearing of the very complicated applications for

(page 3 of original, cont'd)

buying-permits for clothing, underwear, shoes etc. which always came in batches.

Provisioning of consumers located in camps was done by transaction between the camp command (Lagerfuehrung) and the Camp Economic Office. The direct contact between the Lagerfuehrers who usually had interpreters at their disposal, made it possible to handle the usually urgent applications for the first outfitting efficiently and quickly.

The consumers received the buying permits from the Camp Economic Office by way of the competent Lagerfuehrer.

(page 4 of original)

The consumers had to sign on the prepared list of receivers after receiving the buying-permits, which lists, upon completion, had to be submitted to the Camp Economic Office.

As a rule the foreign workers were allowed to buy the goods themselves with their buying-permits.

Where the clothing was uniform, the plants usually took care of the buying, and also the selling to the camp-inmates. The Lagerführer (Oberlagerführer, Lagerführer, Unterlagerführer) who had been appointed by the DAF (German Labor Front) had to watch also that the supplies of the camp were distributed with fairness.

The provisioning of foreign workers with rationed consumers goods was, in comparison with German workers, good during the first years of the war. This led therefore repeatedly to complaints on the part of the German workers. Due to the heavy airraids on armament plants and on the larger cities, which started about the middle of 1943, the provisioning of the camp inmates, including of course the foreign workers, which up to then had been good, began to suffer.

The so-called clothing for Eastern workers and also the underwear for Eastern workers, which was mostly produced in the clothing and underwear-factories of the occupied Eastern Territories and was made of (illegible) new cloth and new materials, was especially the envy of the German workers. With their buying-permits they were not able to obtain such substantial and warm clothing and underwear as was supplied to the so-called Eastern workers.

Where the type of work did not call for shoes with leather - or rubber-soles, only shoes with wooden soles were as a rule to be supplied to the foreign workers and also to the German camp-inmates.

(page 5 of original)

The foreign workers from the occupied Western territories and from Italy were urged during the first years of the war to get their clothes, underwear and shoes replaced from home. Where there was proof that this possibility did not exist, these foreign workers, when the emergency arose, also received buying-permits for clothing, underwear and shoes. In 1944 a new and very proper uniform was introduced for the foreign workers of the occupied Western territories, arousing also the envy of the German workers. Cases of distress were without exception given immediate consideration. Following the heavy air raid upon the dock yards of the firm "Geratobau Leipzig" in which the large community camps of these firms including the clothing, underwear and shoes of the 1,100 foreign workers (Russians) billeted in these camps, were completely destroyed by fire, these workers were within two weeks completely supplied with new clothing. These foreign workers who escaped from this air raid with their bare lives only, received on this occasion besides two new sets of underwear, jackets, pants, waistcoats, skirts, blouses, aprons, winter-coats, working-clothes, kerchieves, foot-cloths and hose. After this attack I received a telegraphic request from the management of the said firm to come to Leipzig in order to take the necessary steps right there for the immediate relief of the present distress. Likewise after the heavy double-attack on Augsburg in the course of which the community camps of the Messerschmittwerke, the machine-factory RENE, the machine factory Augsburg-Muarnberg and other plants had been severely damaged, the management of the Messerschmitt firm requested me by wire to come to Augsburg for the purpose of immediately finding a way to relieve the great distress brought on among the foreign workers by the air attacks.

(page 6 of original)

The reported air-raids upon the B.Motorenwerke, the locomotive factory KRAUSS-MAFFEL, the car factory (Waggonfabrik) RATHENBERG, the factory Munich and others caused great damage in the community camps of these large enterprises. Thousands of foreign workers housed in these camps thereby lost all their possessions which the damaged plants, as far as they were still able to do so, partly restored by way of the Camp Economic Office.

On 12 July 1944 in a heavy air-raid on Munich, the Camp Economic Office itself was completely destroyed. But hardly four weeks later it was already working again in its full extent in the building of the "Muenchner Rueckversicherung A.G." for the provisioning of the foreign workers and the other camp inmates. Due to further air-raid damages suffered by the Camp Economic Office and also due to the fact that entire camp-villages with the property of the foreign workers were destroyed in the course of the ever increasing air-raids, as well as due to the destruction of trains loaded with clothing and shoes destined for Bavaria, it became exceedingly difficult to supply the foreign workers even with the barest necessities and about the middle of April 1945 it practically ceased.

As far as I could find out on my various visits of camps, most of the plants concerned had done everything to improve the lot of the foreign workers by beautifying their living rooms, putting in sanitary installations, good kitchens, laying out areas for sports and lawns and the erection of theaters etc. These firms likewise put forth efforts to increase the supplies of rationed consumer goods needed by the foreign workers and other camp inmates in order to bring up on the other hand, their interest in their work.

(page 7 of original)

I, myself, as director of the Camp Economic Office have been repeatedly accused before Gauleiter GIESLER by the former Kreisleiter of Ebersberg, at present in detention, that I showed preference to the foreigners in comparison with the Germans. The criminal Police of Munich also came to me with objections to the allegedly too good provisioning of the foreign workers by the Camp Economic Office. The cause for this objection, however, was to be found in the fact that foreigners, especially Poles and Yugoslavs, did a flourishing trade on the black market with the goods they had obtained on their buying-permits or with the buying-permits themselves.

Moreover it happened that a few irresponsible "Lagerfuehrer" did not hand out the buying-permits allotted to them for their camp inmates, but kept them for themselves or sold them to others and thus put them on the black market. As far as such cases became known, the "Lagerfuehrer" in question were duly punished.

Munich, 9 June 1947.

sig. Hans BISLE.

Document roll No. 748.

This is to certify that the above signature of Herrn Hans BISLE, auxiliary worker in Munich, Feilitzschstrasse 13, identified by his identity card, is authentic.

The importance of an Affidavit was pointed out.

The deputy-notary public knows nothing to the contrary effect.

Munich, the ninth day of June one thousand nine hundred and forty seven.

The deputy-notary public:
sig. Dr. Kurt KESTEL

(LS)

Value 3,000.-	
Not.lect. 39	4.-
Turnover tax	0.12
Total	RM 4.12

Handwritten Note Kr 4 d

handwr. word illegible yellow page
 handwr. note enclosure 1 p - book

Notification of Change
Camp No.....

To

Camp Economic Office for the State Economic Office Area
 Munich.

Munich 43
 Maximiliansplatz 10

Subject:

Compulsory report Camp Economic Office for building and
 factory workers camps.

In accordance with the public announcement of the Bavarian
 State Ministry for Economics, District Economic Office (now
 State Economic Office Munich), of 19 April 1940, No.1/6 2950,
 published in the Bavarian State Gazette No.143/44, of 25 May
 1940, I hereby report on the notification of change form below
 the admission into my camp, (movable and stationary living
 huts).....
 -since my last report on the number of occupants
 dated.....-of the following newly arrived
 camp worker of German Nationality who thus are not contained
 in my last compulsory report dated
 I assure that the following data are correct. By false reports
 I will render myself liable to punishment.

Sign here and affix firm or
 camp rubber stamp!

Place/Date.....
 Name of the local economic office

Responsible for camp...
Firm
Signature:.....

The list of admissions to be typewritten most carefully and
 conscientiously and not to be narrowly spaced!

Firstname and Surname	Born on	Entered Camp on	Perman. Resi- dence	previously employed with-at	RCC ¹ No.	RSC ² yes/ no	previous- ly suppl. by Econ. Office/ Rat.cards

1) Reich Clothing Card. 2) Reich Soap Card. (delete if not
 applicable).

DOCUMENT BOOK IV SCHNEIDER
Schneider Document No.163
Exhibit No.....

Foreign Nationality

C o p y

New Arrivals

To the files of the reporting camp

Camp No

To

Camp Economic Office for the State Economic Office Area
Munich.

Munich 13

Maximiliansplatz 10

Subject:

Compulsory report Camp Economic Office for building and
factory workers camps.

In accordance with the public announcement of the Bavarian
State Ministry for Economics. District Economic Office
(now State Economic Office Munich), of 19 April 1940,
No.1/6 2950, published in the Bavarian State Gazette No.
113/44, of 25 May 1940, I hereby report on the notification of
change from below the admission into my camp (movable and
stationary living huts).....

-since my last report on the number of occupants

dated.....of the following newly arrived camp
workers of foreign nationality (including people from the
Protectorate and workers from the Polish territories).

I assure that the following data are correct. By false
reports I will render myself liable to punishment.

Sign here and affix firm or

camp rubber stamp!

Place/Date..... Responsible for camp.....

Name of the local economic office: Firm

.....
Signature:.....

The list of admissions to be typewritten most carefully and
conscientiously and not to be narrowly spaced.

Firstname and Surname	Nat.	Born on	Ent ¹ Camp on	Crossed frontier on	Perm. Resid.	RCG ¹ No	PC ² yes no	RSC ³ yes no	previous- ly suppl. by Econ. Office/ Nat.cards

Please note!

Bc-Belgium, Bu-Bulgaria, F-France, H-Holland, It-Italy, Y-
Yugoslavia, Po-Poland, P-Protectorat, S-Slovakia, Sp-Spain,
Sov-Soviet-Russia, U-Ukraine (West Ukrainians)

¹-Reich Clothing Card, ²-Victory Workers Card, ³-Reich Soap Card
(delete if not applicable).

DOCUMENT BOOK IV SCHNEIDER
Schneider Document No.163
Exhibit No.....

German Nationality

Notification of Change
Camp No.....

To
Camp Economic Office for the Military Economical
District VII

Munich 43
Briennerstrasse 57

Subject:
Compulsory report Camp Economic Office for building and
factory workers camps.

In accordance with the public announcement of the Bavarian
State Ministry for Economics, District Economic Office
(now State Economic Office) for the Military Economical
District No.VII of 19 April 1940, No.1/5 2950, published
in the Bavarian State Gazette No.113/44, of 25 May 1940,
I hereby report on the notification of change from below
the admission into my camp (movable and stationary living
huts).....
-since my last report on the number of occupants dated....
the departure of camp workers of German Nationality.

I assure that the following data are correct. By false
reports I will render myself liable to punishment.

Place/Date..... Responsible for camp.....
(Firm-rubber stamp)

Name of the local economic office:

.....

Signature:.....

Firstname and Surname	Born on	Left camp on	Moved to: Place of work: Abroad:	Possesses: RCC ¹ RSC ²	If gone abroad returned RCC ¹ RSC ²	Enclosed: RCC ² RSC

²-Reich Soap Card, ¹ Reich Clothing Card (delete if not applicable).

DOCUMENT BOOK IV SCHNEIDER
Schneider Document No.163
Exhibit No.....

Foreign Nationality

Notification of Change
Camp No.....

Departures

To
Camp Economic Office for the Military Economical
District VII.

Munich 13
Briennerstrasse 57

Subject:
Compulsory report Camp Economic Office for building and
factory workers camp.

In accordance with the public announcement of the Bavarian State
Ministry for Economics, District Economic Office (now State
Economic Office) for the Military Economical District No.VII
of 19 April 1940, No.1/6 2950, published in the Bavarian State
Gazette No.113/44, of 25 May 1940, I hereby report on the noti-
fication of change from below the admission into my camp (movable
and stationary living units).....
-since my last report on the number of occupants dated.....
the departure of camp workers of foreign nationality (in-
cluding people from the Protectorate and workers from the
former Polish territories).

I assure that the following data are correct. By false reports
I will render myself liable to punishment.

Place/Date..... Responsible for camp.....
(First-rubber stamp)

Name of the local economic officer:

..... Signature:.....

Firstname and Surname	Nat.	Born on	Left camp on	Moved to: Place of work: Abroad:	Possesses RCC ¹ RSC ²	If gone abroad returned RCC ¹ RSC ²	Enclosed RCC ¹ RSC ²

Please note!

Be-Belgium, Bu-Bulgaria, F-France, H-Holland, It-Italy,
Y-Yugoslavia, Po-Poland, P-Protectorat, S-Slovakia, Sp-Spain,
Sov-Soviet-Russia, U-Ukraine, (West Ukrainians)

¹ Reich Clothing Card, ² Migratory Workers Card, ³ Reich Soap Card
(delete if not applicable)

Excerpt
from the Information Service for Social Welfare
and Employment of Labor

Editor: The Director of the Central Committee "Social Welfare
and Employment of Labor" of the Reich Association Iron, Ober-
reichsleiter of the NSDAP, JAEZOSCH

Page 47

Series 3

Sport Meeting for Foreign Workers.

In order to provide an opportunity for the many foreign
workers to engage in sporting activities, the camp managers may
make arrangements for sport meetings. In determining a day for
a meeting local and plant conditions must be taken into considera-
tion and such event must not interfere with work hours. The competent
district bureau of the Office for Sports of the NS-association
"Strength Through Joy" is to be informed of this event 14 days
ahead of the date set for carrying out this meeting. Report is
also to be made to the district bureau of the office of sports
after the meeting has taken place. Costs pertaining to this
event is to be born by the camp, insofar the management does not
assume them. Foreign workers may also purchase a special annual
sport subscription card in which case they will be entitled to
the benefits of the accident prevention fund. (Unfallverhuetungs-
schutz). The following events are to be scheduled for this
meeting:

1000 metro race between teams, medicine ball throwing,
tug-of-war, foot ball, hand ball, basket ball, volley ball.
The winners must be specially rewarded, the camp leader in
agreement with the management determines the kind of reward
to be given for the camp's best team of a sporting group. No
special rule is laid down concerning the date for a meeting, it
should, however, be held between 1 May and 1 September a.c.

Excerpt
from the Information Service for Special Welfare
and Employment of Labor.

Editor: The Director of the Central Committee "Social Welfare
and Employment of Labor" of the Reich-Association Iron, Ober-
reichsleiter of the NSDAP, Wilhelm JAEZGSCH

Page 52

Series 3

Release of foreign workers for the
purpose of forming amateur groups
for organized recreational activities.

In his decree the OEA (Plenipotentiary General for the Employment of
Labor) expressed the opinion that the foreign worker's output
and his readiness for work could be considerably raised by
suitable recreational activities. This also includes organizing
amateur groups. He deems it desirable that suitable directives
be issued to the plants advising them to release the foreign
workers for participation in organized recreational activities,
if the production permits this. (Decree of the Plenipotentiary
General for the Employment of Labor, dated 18 May 1943 - IIIb
123515/43-.)

We publish

FOREIGN LANGUAGE NEWSPAPERS

for the following nations:

For industrial workers:

Name of paper,	for	Subscription fee quarterly RM	Published
Broom	Danes	2,60	weekly
De Vlaamsche Post	Flemings	2,60	weekly
La voix française	Frenchman	2,60	weekly
Le Pent	Frenchman	2,60	weekly
Van Rook	Dutchman	2,60	weekly
Il Caserata	Italians	2,60	weekly
Demovina Hrvatska	Croats	2,60	weekly
Slovensky Tyden	Slovacs	2,60	weekly
L'Effort Wallon	Wallons	2,60	weekly
Srpski rad	Serbs	2,60	weekly
Trud	Russians	2,60	weekly
Ukrainez	Eastern Ukrainians	2,60	weekly
Belorusski robotnik	White Ruthenians	2,60	weekly
Wist	Western Ukrainians	2,50	weekly

for half a year

Rodina	Bulgars	2,40	twice monthly
Enlace	Spaniards	2,40	twice monthly

For Agricultural workers:

Name of the paper	for	Subscription fee quarterly RM	Published
Le regain	Frenchman	2,60	weekly
Slovensky Tyden	Slovacs	2,60	weekly
Paschnja	Russian Eastern Workers	2,60	weekly
Glaborob	Ukrainian Eastern Workers	2,60	weekly
Belaruski robotnik	White Ruthenians	2,60	weekly

The subscription fee will be increased by a small delivery charge.

In addition we publish for Russians, East and West Ukrainians working in industry and agriculture the illustrated magazines "Rider Freizeit" (Leisure Time) for Russians, "Nach der Arbeit" (After work) for East and West Ukrainians

These magazines are published twice monthly, subscription price per quarter is RM 2,10 plus delivery charge.

(page 1 of original cont'd)

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Fremdsprachen-Dienst. Distributor for the
Gau Bayreuth.

Johann ENHARDT & Soehne,

(13a) Fuerth/Bay., Badstrasse 28, Tel.: 72152

CERTIFICATE OF TRANSLATION

17 February 1949

We, Mary Rosenberg, Kathleen J. Stout, Edith L. Steiner, Alice Blum, and Thea v. Seuffert, hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the document : DOCUMENT BOOK IV SCHNEIDER.

.....
Mary ROSENBERG
20 076
Pages: Index

.....
Kathleen J. STOUT
20 140
Pages: 7-15
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.....
Edith L. STEINER
20 150
Pages: 40-41 b

.....
Alice BLUM
16589
Pages: 45 -52

.....
Thea v. SEUFFERT
B - 397929
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Case 6
Defense

DOCUMENT BOOK

for

Dr. Christian SCHNEIDER

No. 5

submitted by the
Defense Counsel
Dr. Hellmuth DIX

Hung



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For the regular supervision of all measures for the care of the welfare, an Inspection Center will be established at the Reich Labor Front which will have to inquire into all complaints as well as to cooperate with the agencies of the administration of Labor Allocation. 4 - 17

10. Eastern Workers

72 Decree

Decree of the Reich Labor Minister, dated 27 February 1942 concerning the conditions of the employment for workers from the newly occupied Eastern territories and from the Government General (Reich Labor Gazette I, page 93):
Special regulations governing the employment and treatment under Reich Labor Law of Eastern workers. Introduction of a special tax, similar to the Social Compensation Tax for Poles. All other social payments shall not be in force for these workers. Neither the workers nor the entrepreneur will have to pay for social insurance or unemployment insurance. Apart from the said special tax, they will be exempt from wages tax and citizens tax. 18 - 21

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Regulation on the treatment under Reich Labor Law of workers from the newly occupied Eastern territories, dated 9 February 1942 (Reich Labor Gazette I, page 75):
The provisions of the German Reich Labor Law and of the law for the Protection of Labor will apply to the employment only to the extent as specifically laid down. As regards the computation of wages, the wages as paid to German workers on a similar level to serve as basis. Wages to be paid for actually performed work only. No leave and no journeys for visits to their families. 22 - 23

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74		Memorandum No. 1 for plant managers concerning the employment of Eastern workers (summer 1942): Basic regulations on the treatment and the working conditions of Eastern workers. Employment relations of particular nature. General regulations concerning the care for the welfare and the accommodation in community camps and concerning the food, clothing, supplies and medical care. Postal communication. Free time entertainments.	26 - 34
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85		Directives by the Reich Labor Minister concerning the medical care for Eastern workers, dated 1 August 1942 (Reich Labor Gazette II, page 459); Although Eastern workers are not members of the sick funds, medical care must be provided according to the provisions of social insurance. Medical care in case of illness, supplies by the fraternity relief, medical care for dependents. Regulations similar to those of Decree of 4 March 1942.	43 - 44
83		Decree of the Plenipotentiary General for Labor mobilization, dated 21 November 1942, concerning the reunion of families of Eastern workers (Reich Law Gazette I, page 550).	45
230		Decree of the Plenipotentiary-General for Labor Mobilization dated 4 January 1943 concerning the inspection of hygienic measures in the camps of Eastern workers. Supervision by the Trade Inspectorate ⁰ technical and hygienic preventive measures in the camps of Eastern workers. Removal of ascertained defects, by coercive measure if necessary.	46
218		Ordinance for the Implementation and Amendment of the Decree concerning the conditions of the employment for Eastern workers, dated 5 April 1943 (Reich Law Gazette I, page 181); Authorization of the Plenipotentiary General to lay down orders as to which particular provisions of the German Reich Labor Law will apply to the Eastern workers.	

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In future the Eastern workers are to be given a specification of their wages which, apart from the basis of the calculation (comparable wages of German workers), must disclose the total amount of the wages of the Eastern worker and the charges for accommodation, food and other services as per schedule attached to this ordinance, showing an increase of the wages for Eastern workers as against the 1942 figures. Article 4: Payment of efficiency bonuses to Eastern workers with a proportional reduction of the tax for Eastern workers.

47 - 51

219 Decree concerning the granting of bonuses to Eastern workers, dated 23 July 1943. (Reich Law Gazette I, page 451):
The wages of Eastern workers, payable under the wages regulations attached to the Decree of 5 April 1943, will be increased by a 20% bonus after an employment for one year, by a 30% bonus after 2 years, and by 50% after three years, but must not exceed the amount of the tax for Eastern workers paid by the employer.

52

75 Decree concerning the conditions of employment of Eastern workers, dated 25 March 1944 (Reich Law Gazette I, page 68):
Article 2: As regards wages and salaries, the same conditions will apply to Eastern workers as to other foreign workers. Thus they will be in fact on a par with German workers of the same level. But wages must be paid for work actually done only.
Article 5: Regulations concerning leave and journeys for visits to the families.
Article 7: Better wages and working conditions than those laid down in Article 2 may be granted only with the approval of the Reich Trustee for Labor. Article 9: Eastern workers will now be liable to pay wages tax just as German workers and employees. Article 10: In order to make provisions for the payment of allowances

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91		Decree pursuant to the implementation and amendment of the decree concerning the conditions of the employment of Eastern workers dated 26 March 1944 (Reich Law Gazette I, page 70): Article 2. Limitation of the employment contracts of Eastern workers in the Reich to two years, beginning as from 1 August 1942; the employment contract may be extended if the war effort so requires. Article 3. Wages Regulations. Article 5 and 7. Regulations concerning leave and journeys for the visit to families. Article 9. Payments of wages in case of illness.	56 - 59
78		General regulations concerning the recruitment and employment of Eastern workers. (Decree of the Reich Fuchrer SS dated 20 February 1942): Recruitment and allocation of workers from the recently occupied Eastern territories must be governed by the police view-point in the first line. Strict supervision in case of allocation in the Reich. Accommodation in closed camps which must be fenced in with barbed wire. Special regulations for the guarding of the accommodations and Sipo-measures.	60 - 65
80		Treatment of workers from the Old Soviet Russian territories. (Decree of Reich Fuchrer SS, dated 9 April 1942): Relaxation of some regulations of the decree dated 20 February 1942. Rigorous separation of the workers at the working places will not be necessary any longer. No more barbed wire fences. No more separation of families. Cancellation of the closed camp order.	66 - 67

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79		Fuehrer Record of 21/22 March 1943 (Food rations and barbed wire fences for Eastern workers).	73
82		Food rations for Soviet and non-Soviet PW's and of the Eastern workers (Decree of the Reich Minister for Food and Agriculture, dated 6 October 1942): Introduction of additional rations for overtime and night work; as regards Eastern workers, discontinuation of the use of chopped turnips in bread-baking and increase of some food rations.	74 - 76
273		Fuehrer Record, dated 30 May 1943 (The Russians are to have ample additional food).	77

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This is to certify that all documents contained in this document book literally conform to the documents submitted to the Court.

Nurnberg, 7 February 1948.

(signature): Dr. Hellmuth DIX
(Dr. Hellmuth Dix)

Excerpt from the Reich Labor Gazette (Reich-
arbeitsblatt) 1941

No. 29 part III, page 396

The Reichminister for Labor
III a 17840/41

Berlin, 19 September
1941

Supervision of community camps
(Construction camps- and camps belonging
to factories)
by trade inspection.

Under the law pertaining to the housing of construction workers dated 13 December 1934 (Reich labor gazette I, page 1234 and the implementation decree of 24 October 1936 (Reich labor gazette I, page 1516) the trade inspection offices are commissioned with the supervision of the construction camps. As is apparent from my circular decree of 28 November 1940 - III a 23573/40 (Circular decree A.R.G.No. 1295/40), the camp of a plant is to be considered as a part of the plant; the trade inspection offices are therefore also the competent authorities for the camps of the plants, which are subject to the Reich industrial law (code) and can refer to par. 120 of the Reich industrial law in the case of necessary regulations.

Since sanitary precautions are not always taken sufficiently into consideration, when housing the workers in community camps, it has been found necessary to make more use of trade inspection

particularly medical service of the plants, with regard to the supervision of the camps, especially since also foreign laborers will have to be housed in camps in the future in larger numbers than hitherto. It is desirable to call upon experienced public officials who have controlling authority already in the case of commitment of laborers, in order to make sure that all necessary precautions are taken against the importing of contagious diseases.

The trade inspection offices- and also the Doctors in the employ of industries- will have to see to it, by means of continuous inspections- of the already established labor camps under their care, that the necessary sanitary installation are at hand. If in the course of camp inspection sanitary installations are found to be insufficient, so that there is a danger of infection or of the spreading of contagious diseases, they will at once inform the competent Health Office, whose task is the combating of epidemics themselves.

... The trade inspection offices are to compile a card index of all construction camps, and camps belonging to plants for which they are the competent authority. The necessary records pertaining to the matter

will be, if necessary, requested from the labor offices. The inspections of the plants are to be recorded in the files or card index. In some parts of the country detailed instructions have already been issued by the higher administration authorities. In Saxonia f.i. close collaboration has been established between the trade inspection offices and the labor offices with the aim, to house the allocated laborers in those camps only, which correspond to all hygienic requirements. For this purpose the trade inspection offices are informed by the labor offices and the German Labor Front of all new camps. The trade inspection offices establish with the help of a questionnaire, copy of which is attached, whether the billeting of the workers is guaranteed in accordance with the stipulations. The labor office and the Health office will be informed of the findings. Wherever necessary, the Health office will effect the removal of any deficiencies. The questionnaire applies mainly to the foreign laborers who are employed in war industries. The requirements stipulated therein are therefore lower than those stipulated in the implementation decree to the law pertaining to the housing of construction workers. For exclusively German camps attached to factories the requirements will have to be on a higher level.

In so far as the matter of carrying out protective health measures in the camps has not yet been settled in the various districts, I request the higher administration authorities to issue the necessary instruction to the trade inspection offices.

by order

signed Dr. LINSFELD

List concerning the hygienic conditions
in labor camps.

1. Address of the camp:
2. What does the camp consist of?
(Barracks, factory room, room in an inn or otherwise?) Suitable or not?
3. Is the camp a community camp of several firms? Yes/No?
4. Names of these firms?
5. Is the camp a camp attached and belonging to a plant?
- 6a. Are any of the workers living in private billets?
6. Name and address of same.
7. Nationality of the camp inhabitants.
8. Number.
9. Is a camp leader in charge?
Name and particulars of same, nationality of same.

9 a. Interpreter ?

His name, particulars, and nationality.

10. Are sub-loaders still allocated for individual sections ?

This measure is absolutely necessary in the interest of discipline, cleanliness and order, and must be demanded.

11. When was the camp staffed ?

12. How big are the sleeping quarters ? . . . How long ? . . .

How wide ? . . . How high ? . . . (minimum height 2.30 m) ?

13. Thus how many cbm of air per person ?

(Each worker should have at least 5 cbm).

14. Is there sufficient ventilation ?

15. What is the condition of the floor ?

(Without cracks ? Faulty ?)

16. What kind of beds are there ?

(Iron, wood)

17. Are the beds put up singly or as double berths one over the other ?

18. How large is the aisle between the beds ?

19. What does the bed itself consist of ?

(straw sack, blanket, mattress), 2 of these are sufficient.

20. How often is the bed linen changed ?

(At least once a month, the straw when necessary -
at least once every three month -. The beds may not
be used in shifts by different persons one after the
other.)

21. What are the washing facilities like ?

22. How many persons per wash bowl ?

(about 5 persons per wash bowl)

23. Are series of wash basins available ?

24. Is there a common room or day room apart from the
sleeping quarters ?

25. How large is it ?

26. Is there sufficient ventilation ?

27. How much space per person ?

(At least 0,75 qm should be available per person)

28. Does the camp have a separate entrance and exit or do
other rooms have to be used as a passage ?

29. Do German civilians have to live in the immediate
vicinity of the camp or do they have to pass through
it to get to their home or their place of work ?

30. Are there emergency exits and how many ?

(windows, doors, dormer-windows etc.)

31. Do these make an immediate evacuation of the camp possible in case of any catastrophe ?
- 31a. What is the procedure in the camp in case of air raids ?
32. Is there sufficient heating in the camp and what kind ?
33. Are there fire regulations observed ?
34. Does the camp have sufficient artificial lighting and what kind ?
35. Is there enough daylight ?
36. Is there vermin in the camp, particularly lice ?
(to be determined by questioning)
37. When and by whom was the last delousing carried out ?
38. Is another delousing necessary within the near future ?
39. Are there facilities for this ? . . . Where ? . . .
40. Where are the clothes kept ?
41. Are there special installations for this ?
42. Are there tables ?
43. How many ?
44. Are there chairs ?
45. How many ?
46. Is there a sufficient amount of clean water for cooking, drinking and washing ?
47. How often is the camp cleaned ?
- a) How often is it swept ?
- b) How often is it scrubbed ?

48. How many toilets are there ?
(At least one toilet for every 20 workers)
49. Are there sufficient urinals ?
50. Of what type ?
51. How often are the toilets cleaned thoroughly ?
(At least once a week)
52. Toilet installations, which cannot be connected to a public sewage system, are to be provided with watertight containers or, if the location permits, with well covered pits, which - especially during the hot time of year - are to be disinfected frequently with suitable chemicals (lime, calcium chloride etc.). It is recommended to chuck port dust into the containers and pits frequently. The contents of the containers and pits are to be removed when necessary. Is this condition fulfilled ?
53. Is there a sick room or medical department ?
(If possible this is provided for camps having 75 and more inmates).
54. How many beds are available in the sick room ?
(There must be at least 2)

55. Is there a plant assistant trained in first aid? Name and address.
56. Are there sufficient and proper means for first aid in case of accidents?
57. Is there a poster with the address and telephone number of the nearest doctor?
58. Has a camp physician been employed?
Name and address.
59. How often does he visit the camp?
60. Does he undertake treatments?
61. Does this care seem sufficient?
62. Is there a fire extinguisher ready for use (water pails always filled, reliable portable fire extinguishers)?
63. Are there facilities for washing clothes?
64. Can the workers change their underwear at least once a week?
65. How often and where is this washed?
(If possible, a special washing place with a wash stand on which clothes can be brushed is to be available for this)

66. What is the condition of the workers' clothes ?
67. What overall impression does the camp convey ?
68. Does the camp leader fulfil his duties ?
69. What regulations are to be made on the basis of these inspections ?

demanded from the plant on.

70. What suggestions for improvement seem to be commendable ?
The inspection was carried out by official work supervisors
from the work supervisory office

.

Original with request to return to
the Health Office

.

for information. If copies are made by the Health Office,
please send one of them to the district administration of the
RAF, Office for Health and Public Protection and return the original also with a copy to me.

Certified literal and correct copy of the above document.

Essen, 1 February 1945.

signed: Dr. Helmut DIX

Defense Council

From: "Reich Labor Gazette (Reichsarbeitsblatt) 1943"
of 25 February 1943, No. 6, Part I

Page 140:

The
Commissioner for the
Four-Year Plan,
The Plenipotentiary for Employment of Labor

VA 5510/02

To the Local Labor Offices (Landesarbeitsamt) and Municipal Labor
Offices (Arbeitsamt).

Employment of Foreign Workers;
Subject: Hospital and Institution Costs.

Doubts repeatedly arising give cause to refer to the following position of the Reich Labor Minister stating the principles in connection with the administrative decree ("Runderlass") Va 5510/62 of 8 October 1941: The foreign workers employed in the Reich, with the exception of Poles and workers from the East, are, as a matter of principle, subject to the regulations of Reich law concerning insurance for illness as are German citizens. Accordingly, the duties of public health insurance (Krankenassen) of providing hospital care to an insured foreigner are determined by the provisions of the Reich Insurance Ordinance (Reichsversicherungsordnung). Therefore, the public health insurance offices have to decide on the question of admitting the patient to a hospital after dutiful consideration (Art 184 of the Reich Insurance Ordinance). The examination of the individual case which the public health insurance office has the right to make, must deal with the question of whether hospital care is necessary on account of the kind of illness and of the required treatment. If these pre-conditions

are complied with, the public health insurance office must approve of the hospital care if misgivings do not exist because of the public health insurance office's financial state. The office has no right to limit the length of the hospital care in advance - perhaps to three weeks - or revoke the approval of the hospital care despite the continued existence of the illness conditioning the hospital care. These principles apply also to the referral of insured foreigners to institutions for sick people. For the offices ("Träger") of public health insurance in the Danube and Alp Reich Gaus special provisions are in effect, since according to Art 5, par. 4 of the decree concerning the introduction of social insurance into the state of Austria of 22 December 1939 (Reichsgesetzblatt I, Page 1912) they may determine contributions and services of the health insurance in a way deviating from the Reich law.

By order

Dr. LETSCH

I hereby certify that the above is a true copy of the original.

4 April 1946

signed: Dr. R. SERVATIUS
Attorney-at-Law

Excerpt from
Reich Labor Gazette No. 30/1940
Part I, page 513

- 24 -

The Reich Minister of Labor
V: 5780/749

Berlin, 9 September 1940

To the
Regional Labor Offices and Labor Offices

Care of Foreign Workers employed in trade by the German Labor Front.

The German Labor Front, Amt for Labor Allocation, has agreed to undertake the care for foreign workers employed in the trade upon their arrival and during their employment in the Reich. A proper care helps largely in getting the foreign workers used to conditions in Germany and incidentally in keeping them longer in their working places. Moreover, the workers will send home good reports concerning their stay in Germany and thus help in the work of recruiting more foreign workers.

I therefore request once more, that the German Labor Front offices, which are competent for the working places of foreign workers, are informed as quickly as possible about the arrival of transports of foreign workers to be employed in the trade, so that the German Labor Front can take them under its care upon arrival or contact the employers, if necessary, with respect to suitable accommodation - feeding conditions.

By order

Dr. TILG

Document Book V SCHNEIDER
SCHNEIDER Doc. No. 62
Exh. No.
TURKISH Exh. No. 33

Reich Labor Gazette No. 36 of 25 December 1943 Page 577

The General Deputy for the Four Year Plan
The Delegate General in charge of Labor Supply

VI a 5783/291

Berlin, 22 September 1943

To
the Presidents of the Gau Labor Offices
and to the Reich Labor Trustees
as well as to the Chiefs of the Labor Offices.

Agreement between the Delegate General in charge of
Labor Supply and the German Labor Front concerning
the care of foreign workers.

Agreement.

The following agreement is made between the Delegate
General in charge of Labor Supply, Gauleiter and Reich Go-
verner STUCKEL, and the Reich Leader of the German Labor
Front, Reich Organization Leader Dr. LEY:

1) According to the Directive No. 4 of the Delegate
General in charge of Labor Supply of 7 May 1942 - GFL
435/42 (No. 2b) - the German Labor Front is alone and ex-
clusively entrusted with the care for all foreign workers,
used in the Reich. The farm workers employed by the Na-
tional Food Agricultural Estate are excluded.

2) The Reich Leader of the German Labor Front, Reich
Organization Leader Dr. LEY, establishes in agreement with
the Delegate General in charge of Labor Supply, Gauleiter
STUCKEL, a "Central inspectorate" for the current super-
vision of all measures concerning the care of the foreign
workers mentioned under 1). It will bear the name:

"Central Inspectorate for the Care of Foreign
Workers."

(Page 2 of original)

The Central Inspectorate for the Care of Foreign Workers performs its functions according to the directives and in the name of the Delegate General for the Labor Supply and the Reich Leader of the German Labor Front. In order to prevent double work, the Central Inspectorate alone is competent to examine all measures concerning the care for foreign workers in the plants and in the camps, to abolish on the spot as far as possible all deficiencies which have been discovered and to issue the necessary directives.

The authority of the Delegate General for the Labor Supply to direct members of his staff and the presidents of the Land Labor Offices to obtain direct information about the conditions of foreign workers in plants and camps, remains unchanged.

3) The Central Inspectorate for the Care of Foreign Workers is in constant touch with the Main Department VI of the Delegate General for Labor Supply, informs it about the general regulations made by them and makes suggestions for necessary changes.

4) The offices for Labor Supply Administration are currently informed about their observations by the Inspectorate for the Care of Foreign Workers, and without delay especially in those cases which should take the intervention of official authorities necessary.

This agreement becomes effective on the day it is signed.

Berlin, 2 June 1943
Dr. L. MEY

Fritz SAUER

I direct the following for the execution of this agreement:

1) The supervision of all measures concerning the care of foreign workers in the field of the utilization of labor, is alone incumbent upon the Central Inspectorate for the Care of Foreign Workers. Complaints about bad accommodations, food, deficient care with regard

(Page 3 of original)

to the time of leisure and cultural and propagandistic care will in future be forwarded by me to the Central Inspectorate for the re-examination and correction of possible deficiencies. The Labor Offices and Gau Labor Offices have to forward complaints and grievances which were sent to them, to the competent local offices of the German Labor Front. The Central Inspectorate will inform the Deputy General for Labor Supply about its decisions, the measures it has taken, and about their completion.

2) The labor allocation of foreign workers, their identification, the intraplant adjustment, their shifting, the control of the use of labor according to the suitability and skill, the promotion of training and measures for the increase of production, as well as the formation of labor contract law, the execution of measures concerning wages, and the supervision of the proper payment for foreign workers, remain, just as before, the concern of the competent offices for the administration of the labor allocation and the Reich trustees.

3) The directives issued in the circular V. 573123/91 of 9 January and V. 5731/196 of 4 February 1943 for the allocation of Eastern and Western workers remain in force with the provision that the Labor Offices and the Gau Labor Offices and the referents appointed there for the inspection of the camps for the Eastern workers will in future only have to perform the tasks mentioned under point 2).

4) The close interlacing of the tasks of the labor allocation and the care of the foreign workers requires independently of the measures which have to be taken for the carrying out of the above-mentioned, a constant and close cooperation between the offices for the labor allocation administration and the offices of the German Labor Front. If for instance, while carrying out measures concerning the allocation of labor, it is determined that

Document Book-V SCHNEIDER
SCHNEIDER Doc. No. 62
Exh. No.
BUREAU Exh. No. 33

(Page 3 of original, cont'd)

insufficient production by foreign workers results from a deficiency in care, the competent authorities of the German Labor Front have to be informed of this fact immediately, so that they can effect the correction of the existing deficiencies. On the other hand, the offices of the German Labor Front will communicate to the competent offices of the labor allocation administration their experiences gained in the course of their care which could be used in the field of the labor allocation.

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SCHNEIDER Doc. No. 52
Exh. No.
BUNKER Exh. No. 83

(Page 4 of original)

The Gau Labor Offices get in touch with the competent offices of the Gau Administration for the regulation of special questions concerning the co-operation between the offices concerned and the establishing of a continuous exchange of experiences and they inform the Labor Offices about the regulations made for the district.

Dr. WEISIEGEL

as Deputy

The General Deputy for the Four Year Plan
The Delegate General in charge of Labor Supply

VI 2 5242/276

Berlin, 15 November 1943.

EXCERPTS

from

Reich Labor Gazette

1942

Part I

SECRET

Page 93

The Reich Labor Minister

Berlin, 27 February 1942

III b 3972/42

To

- a) Reich Trustees of Labor,
- b) Two Presidents of the State Labor Exchanges.

Re: Conditions of work of workers coming from the newly
occupied Eastern territories and the General Government.

Through the ordinance of the Ministerial Council for the
Reich Defense about the taxation and the treatment, under labor
legislation, of the workers from the newly occupied Eastern
territories (STVA Ost) of 30 January 1942 (Reich Labor Gazette 1942,
page I 45) (Reich Law Gazette I page 41) and through the First
Executive Order of the Reich Minister of Finance issued in pur-
suance to it,

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dated 21 February 1942 (see page I 95) (Reich Law Gazette I page 86)
as well as through my instructions about the treatment, under
labor legislation, of the workers of the newly occupied Eastern
territories of 9 February 1942 (Reich Labor Gazette 1942, page I
75) (German Reich-Anzeiger No. 37 of 13 February 1942) about the
treatment, under labor legislation, of workers from the General

(page 2 of original)

Government, including the districts of Galicia and Bialystok, of 25 February 1942 (see page I 93) and about the treatment, under labor legislation, of workers from the Reich Kommissariat Ostland with the exception of White Ruthenia, of 25 February 1942 (see page I 93) - these instructions will be published in the Reich Anzeiger in the next few days - the conditions of employment within the Reich territory of all workers from those territories who are not racial Germans, have been regulated.

These provisions may be summed up as follows:

1. Workers from the Reich Kommissariat Ostland with the exception of White Ruthenia - that is to say mainly workers from the former Free States of Lithuania, Latvia and Estonia - have to pay a so-called wages equalization duty (Lohnausgleichsabgabe) when employed in the Reich. ...
2. Amongst the workers from the General Government, including the district of Galicia, the Poles were already subjected to special treatment. Polish workers had to pay the social compensation tax (Sozialausgleichsabgabe) and were subject to my decree about the treatment, under labor legislation, of Polish workers of 5 October 1941 (Reich Labor Gazette, page I 448). As far as Polish agricultural laborers were concerned, the Reich wages tariff dealing with them has been applied already all the time. These special provisions have now been extended to all workers who are not racial Germans, and who come from the General Government, including the district of Galicia. All these workers, irrespective of whether they are racial Poles, Ukrainians, Goralas, Slonsskas, have to pay the social compensation

(page 3 of original)

tax of 15% of that part of the monthly wages that exceeds RM 39.--
(or of that part of the weekly wages that exceeds RM 9.--). . .

Page 95

4. The workers coming from the other newly occupied Eastern territories have first to pay, when they are employed in the Reich, a tax according to the decree on the taxation and the treatment, under labor law, of the workers of the newly occupied Eastern territories of 20 January 1942. The taxable wages of these workers are computed from the wages payable to German workers of the firm comparable to them what regards output and work. The same applies to piecework. Besides this tax the payment for board and lodging has to be deducted from the wages arrived at in this way. This payment has been fixed at RM 1.50 per calendar day. The rate of RM 1.50 may only be reduced if after the deduction of the tax, net wages should result of less than RM 1.50 per calendar day. Only in very rare cases will the Reich Trustees of Labor make use of the authority which is theirs according to article 2 of the decree on the treatment, under labor legislation, of the workers from the newly occupied Eastern territories. As a general rule the sum for board and lodging of RM 1.50 per calendar day may only be reduced if after such a deduction a pocket money of less than 20 Pfennig per day should remain.

No other additional social payments have to be made for these workers. They are not entitled to social allowances for overtime, Sunday, holiday and night work, separation, release and board expenses.

(page 4 of original)

Care will be taken, that inferior output will be paralleled by lower wages. The provisions about loss of working-time through unfavorable weather conditions, however, apply to these workers to the same extent and under the same conditions as to comparable German workers. The Reich Trustees of Labor are also under the obligation to see to it that neither directly nor indirectly these workers are offered better conditions of work than are warranted by the pertinent regulations.

In order to safeguard the care for these workers in cases of illness a special contribution of RM 4.— per head and month is paid by the employer of these workers. This contribution has to be paid into the account of the local Health Insurance Office, and the fund so accrued should secure medical care, supply of medicines, etc., in cases of illness.

Neither these workers nor the employers have to pay social insurance and unemployment insurance contributions. Likewise, these workers have to pay no other tax than that described in the decree of 20 January 1942. They are thus not subject to the wages tax and citizen tax. ...

By order

Dr. STEINMANN

Copy from
Reich Labor Gazette 1942
No. 3, part I, page 75.

.....
Decree governing Labor from the newly-occupied Eastern territories
with respect to Labor Law. Dated 9 February 1942.

On the basis of Section 7, par. 2 of the Decree governing the Taxation
of the Laborers from the newly-occupied Eastern territories (St V &
Ost) and their treatment with respect to Labor Law, as of 20 Jan 1942*
(Reich Law Gazette I, page 41) the following is decreed in agreement
with the Reich Ministers concerned:

Section 1

The German Labor Law and Labor Protection Law Regulations are applic-
able to the employment condition of the laborers assigned in the
German Reich from the newly-occupied Eastern territories only insofar
as this is specially provided.

Section 3

(1) The calculation of the wages for the laborers from the newly-
occupied Eastern territories must be based on the wage-rates of
comparable German laborers. The tax assessment as stated in the Decree
governing the Taxation and the Treatment of Laborers from the newly-
occupied Eastern territories (St V & Ost) with respect to Labor Law,
dated 20 January 1942, (Reich Law Gazette I, page 41) is deducted
from the amounts thus derived. Free lodging and board is to be
figured at 1.50 RM per calendar day, insofar as the Reich Trustee or
the Special Trustee of Labor has not fixed or allowed another rate.
A deduction for lodging and board

*) Reich Labor Gazette, 1942, p. I 45

Copy from
Reich Labor Gazette 1942
No. 3, part I, page 75.

(page 2 of original)

takes place only, insofar as the wages remaining for the laborers are sufficient to the purpose. Statements of earnings are not to be issued to laborers from the newly-occupied Eastern territories.

(2) Wages are to be paid only for actual work performed. The provisions regarding the cancellation of work due to unfavorable weather should, however, be applied correspondingly.

(3) Social benefits and payments in kind of every category are not granted.

(4) The laborers assigned have no claim to wage bonuses for extra work, for work on Sundays and holidays, and for night-work. Allowances for family and lodging, as well as for travel and meals are not to be paid.

(5) If a laborer remains behind the average work-output of a German worker, his wage is to be reduced correspondingly by his employer.

Section 3

Furlough and family-leaves are not granted for the time being.

Section 4

This decree becomes effective on 1 December 1941. It applies only to the laborers who come under the taxation provisions as set down in the Decree governing the Taxation of the laborers from the newly-occupied Eastern territories (St V a Ost) and the treatment with respect to Labor Law.

Berlin, 9 February 1942

The Reich Minister of Labor

Franz SELDTE

Copy from
Reich Labor Gazette 1943
No. 8, part I, page 120.

(page 2 of original)

The Reich Minister of Labor
IIa 3315/43

Berlin, 4 March 1943

Concerning: Care of the sick for civilian Russian laborers assigned
in Reich territory.

The following is decreed on the basis of Section 7, paragraph 2 of the
Decree governing the Taxation and Treatment with reference to Labor
Law of the workers from the newly-occupied Eastern territories,
dated 20 January 1943, (Reich Law Gazette I, page 41):

1. The laborers from the occupied Eastern territories working in
Reich territory, who come under the regulations of the Decree governing
the Taxation and the Treatment with respect to Labor Law of laborers
from the newly-occupied Eastern territories, dated 20 January 1943,
(Reich Law Gazette I, page 41) are not entitled to Reich insurance.
2. In the event of illness the above-mentioned workers receive sick
care, and, specifically, medical treatment, the furnishing of medicines
and medicaments, as well as hospital care.
3. The medical treatment, the furnishing of medicines and medicaments
will be granted by the Kassensozialliche Vereinigung Deutschlands
as the exclusive competent agency.
4. The hospital care will be granted by the appropriate Government
Health Insurance Office (Krankenkasse). The competent office is the
allgemeine Ortskrankenkasse (General Local Govt. Health Ins. Office),
and where one is not on hand, the Landeskrankenkasse (District Govt.
Health Ins. Office) which is competent for the area in which the camp
is situated. Insofar as the workers of a camp are all employed in one
plant, and a plant sick fund (Innungskrankenkasse) is set up for them,
it is competent for the granting of the benefits.

Copy from
Reich Labor Gazette 1942
No. 3, part 1, page 120.

(page 4 of original)

For the workers assigned in mines the benefits of the competent
Bezirksknappschaft (District Mining Union) is available.

5. The employers with whom the laborers mentioned in No. 1 are
working, will pay to the competent Health Insurance Office 4.-- RM
per month for each Russian worker in their employ to cover the
expenses arising in this connection. For the simplification of the
calculation the monthly average of the number of workers employed will
be used for the calculation of the contribution.

6. The Kassenaerztliche Vereinigung Deutschlands will receive 2.--RM
per month for each worker whom it provides with care. With this
amount it will defray the expenses of the medical treatment, the
furnishing of medicines and medicaments, and the services of medical
personnel (medical orderlies, etc.). The sum which is to be paid will
be calculated on the basis of the average number of laborers working
during the month.

7. The Government Health Insurance Agencies will keep the receipts
and the expenditures for the workers mentioned in No. 1 in a special
account.

8. This ruling will take effect immediately. In cases where sick
care has been provided to date, measures will be taken accordingly.
The obligation to payments on the part of the employers begins
in such cases with the start of the employment of the afore-
mentioned workers.

For (i.V.) the State Secretary

Dr. ENGEL

Excerpt

from the book of Philipp HERTEL, Oberregierungsrat with the Landes-
arbeitsamt (State labor office) Bavaria in Munich, Bauerberg-
Publishing House, Stuttgart # 1942 concerning: "Employment of
Foreign Civilian Workers", page 103.

Information Leaflet No. 1

for Managers Concerning Employment of Eastern Workers.

A. General principles on the treatment of Eastern Workers.

1. The term "Eastern Worker" is applied to those workers of
non-German racial origin recruited in the Reich Commissariat
Ukraine, the Commissariat General White Ruthenia, or in areas
bordering in the East on these territories or on the former
Free States of Latvia and Estonia and who were brought to
the Reich, including the Protectorate Bohemia and Moravia,
for employment, after the above territories had been occupied
by the German Armed Forces.
2. The majority of the Eastern workers come to the Reich quite
willing to work. They consider the extermination of Bolshevism
in their native country an act of salvation. Consequently
Eastern Workers must be given a correct and just treatment.
In employing Eastern Workers everything which - in addition
to the restrictions and hardships caused by the war - is liable
to render their stay and work in Germany more difficult or
which might be a cause for an unnecessary dislike of it, must
be avoided. Suggestions, desires or complaints made by Eastern
Workers must be carefully examined. Misunderstandings due to
the different languages must be cleared up.

Document Book V SCHNEIDER
SCHNEIDER Document No. ...
Exhibit No.
BUREAU-Exhibit No. 97

3. On the other hand, the Eastern workers were subject to hard and severe disciplinary work regulations on the part of Bolshevism. Severe punishments (imprisonment and

forced labor camps) were prescribed for the least offenses against them; whippings or other corporal punishments, however, are in general unknown to the Soviet-Russian workers. Offenses must be rigorously and severely prosecuted. Violations of any kind committed against Germans must be immediately punished; the perpetrators must be handed over to the police and not allowed to return to work without having been punished.

- 4.) Persons who - in the course of their work or during their leisure hours - come into contact with Eastern Workers must be conscious of the responsibility which falls upon them from the contact with members of nations that have been under the Bolshevik regime for more than two decades. Advances or attempts at fraternization incompatible with the dignity of our nation and with the severe conditions prevailing in war time are just as pernicious to allocation of labor in Germany as an arbitrary and unjust treatment of the Eastern Workers. In case of unjust treatment and undignified attempts at fraternization the Eastern Workers are particularly quick to drop the respect due to us and to relax considerably in their efforts.

B. Working conditions for Eastern Workers.

1. Terms of Employment.

Eastern Workers employed in the Reich come under employment relation of a special kind. German laws governing labor relations and the laws concerning the protection of labor are only applicable to them as far as it is explicitly stated.

2. Employment in Plants.

On principle, Eastern Workers, when employed in plants, should be segregated from German and foreign workers as well as from

P.W.'s, that means, they must be put to work as a closed group only.

However, it is not considered to be a violation of the closed group principle, when in plants the closed groups are broken down into smaller groups, if it is found that their work could not be carried out otherwise - as in the case of professional workers.

Where it is possible to employ the Eastern Workers in special departments, it should, of course, be carried out.

No misgivings should be entertained in employing families with children fit for work and over 15 years of age, which will be particularly the case in agriculture. It is therefore not necessary to separate the families.

3. Wages.

The wages of Eastern workers employed in the Reich will be graduated in accordance with their output. (compare the decree of 30.6.1942, Reich Law Gazette I, page 419/424, concerning the terms of employment for Eastern Workers).....

4. Eastern Workers' Tax.

Managers employing Eastern Workers are subject to a tax in accordance with the attached chart. (In agriculture in accordance with the chart issued by the Reich Labor Trustees.)

5. Leave, Return to the Native Country.

Eastern Workers are recruited for an indefinite period. Leaves and family trips home are not granted to begin with.

6. Savings.

Eastern Workers may save their entire wages or part of it, for which interest will be paid. The amount thus saved will be remitted to their home countries

to be put at the disposal of the depositor or his dependants.

7. Exemption from Taxation.

Eastern Workers are exempt from taxation during their employment in Germany.

8. Allowance for Dependents.

For the duration of employment the dependants of Eastern Workers hired for work in the Reich will receive an allowance of 130 Rubels per month.

C. Supervision.

1. General directives.

a) Eastern Workers engaged in non-agricultural work are under the supervision of the German Labor Front:

2. Camp Management and Camp Order.

Managers in charge of camps for Eastern Workers are subject to approval by the state police, and the district administration of the SA or, respectively, of the district farm administration.

3. Accommodations.

Accommodations must be unobjectionable in respect to orderliness, cleanliness and hygienic conditions (heating, washing and toilet installations) and must be provided with the necessary fixture (cupboards, beds, chairs, etc.). The fixtures must answer their purpose, however, conditions prevailing in war should be taken into account. Camp inmates must be induced to contribute their share in furnishing their rooms. The camp managers must put the tools required for this purpose at the disposal of the workers.

It is the duty of the camp managers to see to it that the Eastern Workers regardless of their national origin will be convinced

- a) of German superiority, of German efficiency and of German organization just as unconditionally as of
- b) German righteousness, incorruptibility and cleanliness in public life.

4. Nourishment.

Eastern Workers are entitled to the rations prescribed for them by the Minister of Food and Agriculture, which are based on the rations of the German civilian population (compare enclosure). Where common feeding is the rule in camps, native habits must be taken into account in preparing the food. It should be endeavoured to employ cooks or kitchen helpers from among the camp inmates.

5. Clothing.

For really urgent cases a request for buying permits may be submitted to the economic offices in the case of Eastern Workers or of other foreigners.

6. Other Supplies.

The tobacco rations for Eastern Workers are the same as those for Poles. Camp managers submit a request in this respect to the competent Gau administration of the R.F., department for camp supervision, giving the number of the male camp inmates.

Camp canteens must be opened for the purchase of daily necessities.

otherwise the manager must regulate the supply of such articles.

Soap and lotions will be allotted on request at the competent economic office.

7. Medical Care.

Prior to their employment, the workers will be subject to several medical examinations and delousing procedures in order to ascertain that only healthy workers free from contagious or infectious diseases will be assigned to the plants. Their clothing and baggage will be sterilized in every case. But in spite of this it is quite possible that - considering the large number of workers recruited, the shortage of physicians and the language difficulties - occasionally male or female workers are assigned that do not prove to be fit. Workers, however, are not to be considered unfit if they are physically handicapped or afflicted with a disease, not of a contagious or infectious nature if, as result thereof, they are not hampered to a considerable extent in the performance of their designated work or of the work to which they will be transferred in the plant. It is therefore inadmissible to put these workers again at the disposal of the labor office which has assigned them.

Sick workers, actually sick or unfit for work, who should be returned by all means, must be reported to the competent labor office for return shipment. A physician of the labor office will carry out a conclusive medical examination at the instance of the labor office. The decision whether or not a worker should be sent back will be made on the basis of this examination. Insofar as it does not conflict with the physician's orders the workers to be returned remain

in camp or in their respective accommodations until they will be moved. The above-mentioned repeated delousing procedure made prior to the employment is intended to check the spread of typhus fever, which is spread exclusively by lice. We know from experiment that an absolute riddance of lice cannot be obtained even by repeating the delousing process two or three times prior to the employment. Therefore the plants are obliged to carry out two or three additional delousing procedures in a 5-days interval. During the time delousing of the workers takes place, their clothing, their linen (bedding) and other personal belongings are to be disinfected. Such delousing procedures and disinfections must be repeated later on according to need. ...

The camp managers, respectively the plant managers, must constantly inspect the camp or, as the case may be, the quarters of these workers for cleanliness and absence of vermins (lice, bedbugs and fleas). From time to time a disinfection of the camp or of the quarters will prove necessary, in this respect the public health office will assist with advice. During these inspections it must be ascertained whether or not the persons and other objects are free of vermins, particularly of lice. If it is found that the camp is infected with lice, measures of delousing must be taken at once. If the workers will be reminded again and again to keep clean, it will prove to be the best means for preventing the outbreak and spread of contagious or infectious diseases or, at least for restricting them. In this respect the camp manager, or in case of smaller units, the plant manager, is in position to support effectively sanitary measures.

To complete preventive health measures the plant, respectively the camp physicians carry out physical inspections at proper intervals, in the course of which special attention should be paid to the presence of vermin (lice) and contagious diseases. Medical care for Eastern Workers will be provided by the health insurance fund competent for workers subject to insurance, to which the plant manager must pay premiums out of his own means. The amount of the premiums to be paid may be found out from the competent health insurance administration.

Free housing and board only will be granted to the Eastern Workers for the days not worked on account of sickness or accident, insofar as hospitalization is not required because of danger to body and life or to prevent the spread of contagious diseases.

One or more sick wards must be available in each camp for the treatment of the lighter cases, it is intended in this respect to provide 2 beds for 50 foreign workers.

8. Postal services.

- a) An official mail service has been introduced for the territory under the competence of the Reich Commissariat Ostland (including White Ruthenia) and for the Ukraine. Postal cards as well as regular and registered letters up to 250 g are admitted.
- b) General postal service has not been resumed as yet for the communications zone. The following special regulations

are in force for the Eastern workers: Each Eastern worker is allowed to write a postal card with reply card (inland - tariff) twice a month.

9. Organizing Leisure Time.

a) General Rules.

In view of the fact that Eastern workers spent their leisure time exclusively at the camp, arrangements for leisure hours must of necessity be provided by the camp's own means. The workers must be induced to organize their leisure time in their quarters in accordance with their quarters, in accordance with their native customs and from the means at their disposal. (Music folk-dances, amateur work, sport, etc.). Plant managers must assist them as far as possible in procuring the means necessary for this purpose.

b) Radio and Cinema Shows.

Insofar as radio installations are available, permission is granted to hear the German musical programs and the official German news emissions in the Russian, Ukrainian and White Ruthenian languages. ...

c) Newspapers.

There are 3 camp newspapers published for Eastern Workers, in the Ukrainian ("Ukrainian") Russian ("Trud") and White Ruthenian language (Bielaruski rabotnik).

.....

signed: SAUCKEL

EXCERPTS

from

Reich Labor Gazette
1942

Part I

DECREES (Extracts)

Page 322

Decree about the conditions of work of Eastern workers
of 30 June 1942

(Reich Law Gazette I page 419)

The Ministerial Council for the Reich Defense hereby decrees
with legally binding force:

S e c t i o n 1

Concept of Eastern Worker.

Article 1.

Eastern workers are those racial non-German workers who in the
Reich Commissariat Ukraine, in the General-Commissariat Ruthenia
or in territories bordering on these territories and the former
Free States of Latvia and Lithuania, to the East, were seized and
transported, after the occupation by the German Wehrmacht, into the
German Reich including the Protectorate Bohemia and Moravia and
put to work there.

S e c t i o n 2

Conditions of employment.

Article 2

General Conditions.

The Eastern workers employed in the Reich work under special
conditions. The German laws governing labor and labor protection

(page 2 of original)

apply to them only as far as this is specially stated.

Article 3.

Wages.

- (1) The Eastern Workers working in the Reich will receive wages graded according to their performance.
- (2) The amount of their wages can be computed from tables enclosed to this decree.
- (3) Starting-point for the computation of the wages due to the individual Eastern worker according to the enclosed tables is the rate of wages (hourly wages, piece rates, premium rates) of comparable German workers (comparable wages)

Premiums will be included in the comparable wages to the same amount as they are given German workers for the same performance. In case the Eastern worker's output falls behind that of the average of the German worker his wages should be based upon relatively lower comparable wages.

In computing the wages of the individual Eastern worker, extra allowances for heavy work or dirty work, etc. should be taken into account.

- (4) The Eastern worker should be paid wages for work actually done; but the provisions on the loss of working-time due to bad weather, however, apply to him as well.
- (5) The Eastern worker must not be given higher wages than these regulations provide.

(page 3 of original)

Page 323.

S e c t i o n I I I

Eastern Workers' Tax.

Article 10.

Obligation to pay.

- (1) Employers, employing Eastern workers within the borders of the German Reich including the Protectorate of Bohemia and Moravia, have to pay a tax according to the tables enclosed to this decree. (Eastern workers' Tax)

Article 11

Right to receive.

The Eastern Workers' Tax is payable into the accounts of the German Reich.

Article 12

Tax Exemption of the Eastern Workers.

During their employment in the German Reich the Eastern Workers have to pay neither wages tax nor citizen tax.

S e c t i o n I V
Saving

Article 13

The Eastern Workers may save the whole or part of their wages and will receive interests on them; the amount saved can be transferred to their home countries and will be available there to the saver or the members of his family, according to more detailed regulations of the Reich Minister for the occupied Eastern territories or the Supreme Command of the Wehrmacht.

Berlin, 30 June 1942.

(page 4 of original)

The President
 of the Ministerial Council for the Defense
 of the Reich and the Plenipotentiary
 for the Four-Year-Plan

GOERING,
 Reichsmarschall

The General Plenipotentiary for the
 Reich Administration
 By order

Dr. STUEBELT.

The Reich Minister and Chief of the
 Reich Chancellery

Dr. LAMMERS.

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Appendix

(To art. 3 and 10 of the regu-
 lation for employment of the
 Eastern workers).

Rate Scale for Eastern workers.

.....

B. Table for weekly payrolls.

Gross wage of the comparable German worker (Time-work, piece-work, premium), per week from - to RM	<u>Spes for the Eastern worker</u>			Eastern workers tax (art. 10) RM
	Total per week (art. 3, par. 2) RM	minus (for amount lodging to be and food) paid RM		
.....				
20,30-21,35	15,05	10,50	4,55	5,60
21,35-22,40	15,40	10,50	4,90	6,30
22,40-23,45	15,75	10,50	5,25	7,25
23,45-24,50	16,10	10,50	5,60	7,70
24,50-25,55	16,45	10,50	5,95	8,40
25,55-26,60	16,80	10,50	6,30	9,10
26,60-27,65	17,15	10,50	6,65	9,60

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(page 5 of original)

Gross wage of the comparable German worker. (Timework, piecework, premiums), per week from - to RM	<u>Wages for the Eastern worker</u>			Eastern workers tax (.rt.10 RM
	Total per week (.rt. 3, par.2) RM	minus lodging and food) RM	(for amount to be paid RM	
27,65 - 28,70	17,50	10,50	7,00	10,50
28,70 - 29,75	17,85	10,50	7,35	11,20
29,75 - 30,80	18,20	10,50	7,70	11,90
30,80 - 32,20	18,55	10,50	8,05	12,60
32,20 - 33,60	18,90	10,50	8,40	13,65
33,60 - 35,-	19,25	10,50	8,75	14,70
35,- - 36,40	19,60	10,50	9,10	15,75
36,40 - 37,80	19,95	10,50	9,45	16,80
37,80 - 39,20	20,30	10,50	9,80	17,85
39,20 - 40,60	20,65	10,50	10,15	18,90
40,60 - 42,-	21,-	10,50	10,50	19,95
42,- - 43,40	21,35	10,50	10,35	21,-
43,40 - 44,80	21,70	10,50	11,20	22,05
44,80 - 46,20	22,05	10,50	11,55	23,10
46,20 - 47,60	22,40	10,50	11,90	24,15
47,60 - 49,-	22,75	10,50	12,25	25,20
49,- - 50,75	23,10	10,50	12,60	26,25
50,75 - 52,50	23,45	10,50	12,95	27,30
52,50 - 54,25	23,80	10,50	13,30	28,35
54,25 - 56,-	24,15	10,50	13,65	29,75
56,- - 57,75	24,50	10,50	14,-	31,15
57,75 - 59,50	24,85	10,50	14,35	32,55
59,50 - 61,25	25,20	10,50	14,70	33,95
61,25 - 63,-	25,55	10,50	15,05	35,35
63,- - 64,75	25,90	10,50	15,40	36,75

(page 6 of original)

Gross wage of the comparable German worker, (Timework, piecework, Premiums), per week from - to	Wages for the Eastern worker			Eastern workers Tax (Art. 10)
	Total per week (Art. 3, par. 2)	minus lodging and food)	(for amount to be paid	
RM	RM	RM	RM	RM
64,75 - 66,50	26,25	10,50	15,75	38,15
66,50 - 68,25	26,60	10,50	16,10	39,55
68,25 - 70,--	26,95	10,50	16,45	40,95
70,-- - 71,75	27,30	10,50	16,80	42,35
71,75 - 73,50	27,65	10,50	17,15	43,75
73,50 - 75,25	28,--	10,50	17,50	45,15
75,25 - 77,--	28,35	10,50	17,85	46,55
77,-- - 78,75	28,70	10,50	18,20	47,95
78,75 - 80,50	29,05	10,50	18,55	49,35
80,50 - 82,25	29,40	10,50	18,90	50,75
82,25 - 84,--	29,75	10,50	19,25	52,15
84,-- - 85,75	30,10	10,50	19,60	53,55
85,75 - 87,50	30,45	10,50	19,95	54,95
87,50 - 89,25	30,80	10,50	20,30	56,35
89,25 - 91,--	31,15	10,50	20,65	57,75

EXCERPT

from

ALLOCATION OF FOREIGN CIVILIAN LABOR

by Philipp HERTEL

Senior Government Councillor at the Regional Labor Office
Bavaria in Munich

H. BOCKHEIM, Publishers, Stuttgart 4
1942

Page 131:

INCLUSION OF EFFICIENCY BONUSES IN THE WAGES OF EASTERN
WORKERS.

Page
132:

In view of the importance of the allocation of Eastern labor it is very essential that special efficiency of these workers should be aimed at and secured. To attain this goal the Delegate General in Charge of Labor Supply points out the possibility (National Labor Bulletin 1942, Page 500) of including also efficiency bonuses in the wages of Eastern workers. He accordingly asks the labor offices to instruct the employers that they may thus increase the wages of the Eastern workers in proportion to the increase in performance. It will thus be possible to raise the wages for Eastern workers particularly in such cases where the rates appear to be relatively low. As the Eastern worker at home is so much accustomed to the system of being paid on piece-work and performance that if working by the hour a decline of his output must be counted upon, the Eastern worker likewise should be employed as far as possible on piece-work or premium-wages. Any arbitrary decrease

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BUREAU Exhibit No. 2ad

(page 2 of original)

of the compensations must be prevented. A decrease can only be
considered if a really recognized deficiency occurs.

.....

Excerpt from Reichsarbeitsblatt 1942 Part II, Page 453.
Regulations issued by the Reichsarbeitsminister regarding
Care of Sick Eastern Workers, under date of 1 August 1942.

On the basis of Paragraph 6, Sentence 2, of the decree regarding the conditions of employment of the Eastern Workers of 30 June 1942 (Reichsgesetzblatt I, Page 419) I decree:

I.

Eastern workers employed in the Reich who are paid for their work (Para. 1 of the decree) are to be rendered:

1. Sick care (medical treatment, dental treatment, in so far as this is essential for performance of work, supplied with medicines, glasses, trusses, and other minor medicaments);
2. Hospital care (Care and feeding in a hospital);
3. The providing of various items during pregnancy;
4. Family sick care (Family Hospital Care) and the providing of various items during pregnancy for such family members who are living together with the Eastern workers in the Reich.
5. If the worker is unable to perform his work, sick pay is to be given for each calendar day in the amount of RM 1.50; this is to be paid to the contractor who furnishes food and lodging according to Para. 5 sentence 1 of the decree.

The person in charge of sick care decides about extending such assistance.

II.

The person responsible for sick care is the person in charge of local sick insurance, who handles or would handle the sick insurance of the employees.

(Page 2 of original)

III.

The contractor pays the premium.

The amount of the premium is determined on the basis of the basic salary and extra pay given the Eastern worker and the contribution of the Eastern worker is added to this. The monthly premium amounts to RM 4.— for the Eastern workers employed as household helpers.

The fixed amount of RM 0,13 for each calendar day is to be paid for Eastern workers employed in farming and forestry.

IV.

Moreover, the rules of the second book of the Reichsversicherungsordnung and the statutes regarding the competent responsible party apply for sick care.

V.

This regulation is valid as of 1 August 1942. At the same time, the regulations of 4 March 1942 in force up to now with regard to sick care (Reichsarbeitsblatt II, Page 157) are annulled.

E x c e r p t
from the
Reich Labor Gazette
Volume 1942
Part I

Page 550

D e c r e e

The Commissioner for the Four Year Plan Berlin
The Plenipotentiary for Labor Allo- 21 November
cation 1942
Va 5780.23/5450

To: The Regional Labor Offices and Labor
Offices:

Re: Eastern workers; separation of family members.

Information has been received from a number of reports that Eastern workers who have been transferred to the Reich, and who are related to each other, in some cases even couples, are housed separately. As stated already in memorandum No. 1, which was issued to plant leaders, family members should be employed together, as far as possible. To the degree as employment policies and housing facilities permit, Eastern workers' families should be employed, as far as possible, in the same plant, or at least in a neighboring working place. Applications by family members, especially of couples, and of parents and children, for a subsequent permission to live together, should also be granted, insofar as employment policies and space conditions permit.

By order
(signed) Dr. F I M H.

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BURKART Exh. No.

Copy from
Reich Labor Gazette 1943
No. 4, Part I, page 403

- 11 -

The Plenipotentiary for the Four Year Plan
The Plenipotentiary for Labor Allocation

III - 8/43

Berlin, 4 January 1943

Subject: Eastern Workers - Supervision of Sanitary
Measures.

To remove all doubts, which have been brought before me repeatedly, I declare that my directions - issued for special reason - concerning the administration of labor allocation do not encroach on the authority of the trade inspectorates. The trade inspectorates including the Trade sanitary service will supervise, as before, the execution of technical and sanitary protective measures in the community camps in accordance with the decrees of the Reich Minister of Labor of 19 September 1941 (Reich Labor Gazette III, p. 396) and other decrees. Deficiencies ascertained by them or by other agencies, if not remedied at once, must be removed if necessary by employing such coercive measures, as are available to the trade inspectorates.

by order
(signed): HEINZEL.

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Copy from Reich Labor Gazette 1943

No. 11, Part. I, page 234.

Ordinance pursuant to the implementation and Amendment
of the Ordinance concerning the conditions for the
employment of the Eastern workers, dated 5 April 1943.
(Reich Legal Gazette I, page 181)

On the basis of article 14 of the ordinance concerning the
conditions for the employment of the Eastern workers dated 30 June
1942 *) (Reich Legal Gazette I, page 410), the following is directed
in agreement with the Reich Minister of Finance:

Article 1

General conditions for the employment.

The Plenipotentiary General for Labor Mobilization is author-
ized to decree to what extent and under what conditions the pro-
visions of German Labor Law will apply to the Eastern workers.

Article 2

Wages accounts.

Starting from the pay period which ends after 1 May 1943,
wages accounts must be issued to the Eastern workers, which must
show, apart from the basis of the calculation (comparable wages in
the sense of article 3, subsection 3 of the ordinance concerning
the conditions for the employment of the Eastern workers dated
30 June 1942), the total amount of the wages of the Eastern worker
(column 2 of the wages roster), the deductions for billeting and
food and the deductions for other supplies in kind or services.

Article 3

Wages roster.

- (1) The roster attached to the ordinance concerning the conditions

the employment of the Eastern workers, dated 30 June 1942, which roster shows the amount of the wages due to the Eastern worker and the amount of the Eastern workers tax payable by the employer, will be replaced by the roster attached to this ordinance. The new roster must be used for the first time for the calculation of the wages which will be paid after the pay period which ends after 1 May 1943.

(2) The Plenipotentiary General for Labor Mobilization or any agency commissioned by him may issue decrees for the alteration of the wages regulations which were in force hitherto for the agricultural or domestic employment of the Eastern workers.

(3) The Plenipotentiary General for Labor Mobilization or the agencies commissioned by him may admit or decree lower deductions for billeting and food from the total amount of the wages than 1.50 RM per day.

Article 4

Output bonuses.

(1) The Plenipotentiary General for Labor Mobilization or the agencies commissioned by him may issue decrees for the admissibility of higher wages for Eastern workers with a particularly good performance than those which result from the roster attached to this ordinance; the Eastern workers tax must be lowered correspondingly. They may also decree that individual Eastern workers will be awarded special extra pay which is not a part of the comparable wages in the sense of article 3, paragraph 3 of the ordinance concerning the conditions for the employment of the Eastern workers, dated 30 June 1942, and which, therefore, must be left out of consideration when the Eastern workers tax is being calculated. But the extra pay must not

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be so high that higher wages result for the Eastern worker than for the German worker of a similar category of work or output.

(B) As far as the ~~wages~~ of the Eastern workers is liable to changes by the application of article 4, paragraph 1, an agreement must be reached with the Reich Minister of Finance.

Article 5

Date of effect.

This ordinance will come into force on 1 May 1943.

Berlin, 5 April 1943.

The Plenipotentiary General
for Labor Mobilization

(signed): SAUCKLE

(III b 9 12356/43)

*) Reich Labor Gazette 1942, p.1 322.

**) See below.

Excerpt from Reich Labor Gazette 1943
No. 11, Part I, page 235.

- 5 -

Wages Roster for Eastern Workers.

A. Wages roster for daily payments.

gross wages (hour rates, piece-work, bonuses) as the basis for the calculation (Art. 3, par. 3 of the ordinance of 30 June 1942) per day, of more than - up to - RM	Wages of the Eastern worker			
	Total per day (Art. 3, par. 2d of the ordi- nance of 30 June 1942 Reich Mark	Deductions for billeting and food Reich Mark	Cash pay Reich Mark	Eastern workers' tax (Art. 10 of the Ordinance of 30 June 1942 Reich Mark
4.90 - 5.05	3.30	1.50	1.80	1.65
5.05 - 5.20	3.35	1.50	1.85	1.75
5.20 - 5.35	3.40	1.50	1.90	1.85
5.35 - 5.50	3.45	1.50	1.95	1.95
5.50 - 5.65	3.50	1.50	2.00	2.05
5.65 - 5.80	3.55	1.50	2.05	2.15
5.80 - 5.95	3.60	1.50	2.10	2.25
5.95 - 6.15	3.65	1.50	2.15	2.40
12.75 - 13.00	5.15	1.50	3.65	7.70

*)

B. Wages roster for weekly payments.

30.10 - 31.15	21.70	10.60	11.30	9.75
31.15 - 32.20	22.05	10.60	11.55	9.45
32.20 - 33.25	22.40	10.60	11.90	10.15
33.25 - 34.30	22.75	10.60	12.25	10.85
34.30 - 35.35	23.10	10.60	12.60	11.55
35.35 - 36.40	23.45	10.60	12.95	12.25
36.40 - 37.45	23.80	10.60	13.30	12.95
37.45 - 38.50	24.15	10.60	13.65	13.65
38.50 - 39.55	24.50	10.60	14.00	14.35
39.55 - 40.60	24.85	10.60	14.35	15.05
40.60 - 41.65	25.20	10.60	14.70	15.75
41.65 - 43.05	25.55	10.60	15.05	16.40
89.25 - 91.00	36.05	10.60	25.55	53.90

**)

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- *) For every additional 25 Reich Pfennig, the total wages and the cash payment will be raised by 0.05 Reich Mark each, and the Eastern workers' tax by 0.20 Reich Mark.
- **) For every additional 1.75 Reich Mark, the total wages and the cash payment will be raised by 0.35 Reich Mark, and the Eastern workers' tax by 1.40 Reich Marks.

Excerpt from
Reich Labor Gazette 1943
No. 11, Part I, page 236

- 9 -

C. Wages roster for monthly payments.

gross wages (hour rates, piece work, bonuses) as the basis for the calculation (Art. 3 par. 3 of the or- dinance of 30 June 1942) per month, of more than - up to - RM	Total per month (Art. 3, par. 2 of the ordi- nance of 30 June 1942)	Deductions for billeting and food	Cash pay	Eastern workers' tax (Art. 10 of the ordi- nance of 30 June 1942)
Reich Mark	Reich Mark	Reich Mark	Reich Mark	Reich Mark
.....
120.— - 124.50	90.—	45.—	45.—	31.50
124.50 - 129.—	91.50	45.—	46.50	34.50
129.— - 133.50	93.—	45.—	48.—	37.50
133.50 - 138.—	94.50	45.—	49.50	40.50
138.— - 142.50	96.—	45.—	51.—	43.50
142.50 - 147.—	97.50	45.—	52.50	46.50
147.— - 151.50	99.—	45.—	54.—	49.50
151.50 - 156.—	100.50	45.—	55.50	52.50
156.— - 160.50	102.—	45.—	57.—	55.50
160.50 - 165.—	103.50	45.—	58.50	58.50
165.— - 169.50	105.—	45.—	60.—	61.50
.....
382.50 - 390.—	154.50	45.—	109.50	231.—

For every additional 7.50 Reich Marks, the total wages and the cash pay-
ment will be raised by 1.50 Reich Mark, and the Eastern workers' tax by
6.— Reich Marks.

Roster A is to be used in case of daily payments.

In case of ten days' payment, the respective amounts of roster A must
be multiplied by ten.

Roster B must be used in case of weekly payment.

In case of bi-weekly payment, the amounts of roster B must be multiplied
by two.

If payments are made every four weeks, the amounts of roster B must be
multiplied by four.

Roster C is to be used for monthly payments.

Excerpt from Reich Labor Gazette 1943
No. 11, Part I, page 420.

.....

Ordinance concerning the award of bonuses to Eastern
workers, dated 23 July 1943 (Reich Legal Gazette I,
page 451).

In agreement with the Reich Plenipotentiary General for Labor Mobilization and on the basis of the authorization as in Art. 14, par. 3 of the ordinance on the conditions for the employment of Eastern workers, dated 30 June 1942 (Reich Legal Gazette I, page 419) I direct as follows:

1.) The amount which is to be paid to the Eastern worker (column 4 of the wages roster for Eastern workers as given in the Ordinance pursuant to the implementation and amendment of the ordinance concerning the conditions for the employment of Eastern workers of 5 April 1943, Reich Legal Gazette I, page 181) will be raised in favor of the Eastern workers

- a) after the completion of the first year of his work within Greater Germany by 20%,
- b) after the completion of the second year of his work within Greater Germany by 30%,
- c) after the completion of the third year of his work within Greater Germany by 50%;

the maximum raise must not exceed the amount which the employer has to pay for the employment of the Eastern worker in the form of the Eastern workers' tax (column 5 of the wages roster for Eastern workers);

2.) The bonus as under number 1) must be paid for the first time

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Ref. No.

for the pay period into which the completion of the first or the following years of work of the Eastern worker in Greater Germany falls or fall, but at the earliest such bonus may be paid for the pay period which ends after 31 July 1943.

Berlin, 23 July 1943.

The Reich Minister of Finance

(signed): Graf SCHWERIN VON KROSIGK.

EXCERPT

from

REICH LABOR GAZETTE

24th Year, 1944, No. 10 - Berlin, 15 April 1944

DECREE ABOUT THE UTILIZATION OF EASTERN WORKERS

dated 25 March 1944

(Reich Law Gazette I, page 38)

The Council of Ministers for the Defense of the Reich decrees
the following law:

Section II

Conditions of Employment

Par. 3

PAY

The Eastern workers will receive the same pay as the other
foreign workers. Eastern workers will receive pay only for actual
work performed.

Par. 5

VACATION

Eastern workers receive vacation and family vacation trips.

Par. 6

WORK DISCIPLINE

The regulations concerning work discipline are also to be
applied to all Eastern workers.

Par. 7

CHANGE OF PAY- AND WORKING-CONDITIONS

(page 2 of original)

(1) More favorable pay- and working-conditions than prescribed in Section II can only be granted upon approval of the Reich Trustee for Labor.

(2) More unfavorable pay- and working-conditions can only be applied by the factory leader if work performance and conduct of the Eastern Workers justify such a measure. The factory leader will make a report to the Reich Trustee for Labor in such a case.

.....

Section III

Taxes

Par. 9

Income tax

(1) Eastern workers will have to pay income tax on their pay in accordance with the regulations to be applied for German personnel.

(2) Eastern Workers belong to tax group I.

Par. 10

Social tax

For the purpose of supporting needy Eastern Workers and their families, as well as for the purpose of equalizing the special deductions to be carried by the German employees because of their belonging to German racial organizations, the factory leader will retain 15% of the pay of the Eastern Workers and will turn over this amount to the local Finance Office.

.....

Berlin, 25 March 1944

The President of the Council of Ministers for the Defense
of the Reich and Plenipotentiary for the Four Years Plan

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BURKART Exhibit No. 98

(page 3 of original)

GORRING

Reich Marshal

The Plenipotentiary for the
Reich Administration

H. HIMMLER

The Reich Minister and Chief of the Reich Chancellery

Dr. L. JOGERS

EXCERPT

from

REICH LABOR GAZETTE

24th year, 1944, No. 10 - Berlin, 15 April 1944

.....
DECREE FOR THE EXECUTION OF, AND SUPPLEMENT TO
THE DECREE REFERING TO THE CONDITIONS OF
UTILIZATION OF EASTERN WORKERS.

dated 25 March 1944
(Reich Law Gazette I, page 70)

In accordance with par. 13 of the decree about the utilization
conditions for Eastern Workers, dated 25 March 1944 (Reich Law
Gazette I, page 38) the following is herewith decreed:

.....
Par. 3

Limitation of Employment Duration

(1) The duration of employment for Eastern workers in the Reich
is 2 years. This period starts from the day of arrival at the first
German factory or household, but not prior to 1 August 1942. The
Eastern Workers will be returned after termination of their employment
with consideration of the requirements of labor utilization, the
transport conditions and the war situation.

(2) The employment period of Eastern workers may be extended
for one more year if the necessities of the war require such a move.
However, a return in such a case would still be possible if the
Eastern Worker

(page 2 of original)

accepts defense work within the occupied Eastern territories and if he furnishes a replacement for occupation in the Reich, preferably from his own family.

Par. 3

Pay.

.....

(10) Pay earned by the individual Eastern Worker will be paid in cash at the end of the normal factory pay period, after deduction of taxes and social insurance payments as well as charges for services rendered in kind.

(11) On pay-day, the contractor should issue to the Eastern Worker a pay slip, showing gross income, allowances, additional payments, premiums and the different deductions, particularly the taxes including social charges, social insurance fees, the deductions for housing and food and all other deductions for services in kind.

Par. 6

Vacation.

The conditions for German employees are to be applied, however with the following restrictions:

- a) Stipulations in vacation regulations referring to waiting time in accumulating vacation rights will not be applied. Eastern Workers, after having worked for 12 months in the Reich or the Generalgouvernement will get their vacation within the following 12 months.

(page 3 of original)

No occupational period prior to 1 January 1943 will be considered.

Par. 7

Family returns.

(1) Eastern Workers, whose employment contract in the Reich is extended for more than 3 years (Par. 2, sec. 1, sentence 1 & 2, and sec. 2) will be granted family vacation trips in accordance with regulations for unmarried foreigners. For Eastern Workers who reside or live within the territory of the Reich, travel expenses will be figured from the place of domicile or residence instead of from the Reich frontier.

(2) Starting date and details of the family vacation trips are decreed by the Plenipotentiary for the Utilization of Labor through channels.

Par. 9

Pay in case of sickness.

If an Eastern Worker, billeted at a collective billet and supplied with rations directly or indirectly by the factory, is prevented from work because of sickness or accident, the contractor, if hospitalization is not possible, will furnish lodging and rations, and will deduct the official rates for the first 3 days of sickness from the pay of the Eastern Worker, earned before or after the sickness. From the fourth day on the regulations about health insurance

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SCHWEIDER Doc. No.
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BUREAU Exhibit No. 99

(page 4 of original)

will be applied.

.....

Berlin 25 March 1944

The Plenipotentiary for the Utilization
of Labor
SAUCKEL

Excerpt from Kueppers/Bennier "Conditions of Employment of the Eastern Workers" Page 105, 2nd Edition, Berlin, 1943.

Excerpt from the decree of the Reichsfuehrer SS and chief of the German Police of 20 February 1942:

General Rules for Recruiting and Employment
of Man Power in the East.

(Excerpt)

Now that the Reichsmarschal has ordered the employment in the Reich of labor from the newly occupied Eastern territories, it is necessary to regulate the recruitment and employment of this man power according to police points of view and to clearly define to whom those regulations apply which have been issued up to now regarding the workers who have come or are coming from the General Government and the incorporated Eastern territories.

Barring special directives issued to the offices competent for carrying out individual measures, the following regulations apply for the listed groups of manpower:

1. Manpower from the former Soviet-Russian territory. Under "Manpower from the former Soviet Russian Territory" is to be understood those workers from the former Soviet-Russian Territory excluding the former states of Lithuania, Latvia, Estonia, the District of Bialystock and the District of Lemberg - who are employed as civilians in the Reich or will be so employed.

(page 2 of original)

The decisive point in determining the treatment of these workers is the fact that they have lived for decades under Bolshevist rule and have been systematically educated with ideas hostile to National-Socialist Germany and European Culture.

They are subject to the following treatment:

I. Recruitment and Checking.

1. Recruitment.

The recruitment of manpower from the former Soviet-Russian Territory is to take place through Recruiting Commissions of the Reichsarbeitsministerium, which have the following instructions:

- a) if possible, only persons who have been living in the district already on 22 June 1941 are to be recruited;
 - b) when recruiting, nominal Germans (Volksdeutsche) are to be considered;
 - c) no German-speaking persons are to be recruited except if absolutely necessary and as so-called interpreters and column leaders;
 - d) no Asiatics are to be recruited until further notice;
 - e) it must be absolutely insisted that the persons to be recruited bring along a pass or other papers which will establish their identity. These papers will be left in the possession of the workers.
2. The recruiting commissions of the Reichsarbeitsministerium are to set up reception camps, where the medical examination, the first delousing, etc., are to be given.

...

II. Transport.

...

III Employment of Labor.

(page 3 of original)

During the stay of the workers from the former Soviet-Russian Territory in the Reich, they are to be kept strictly separated from the German population, foreign civilian workers and all prisoners of war.

According to the order of the Reichsmarschal, the manpower from the former Soviet-Russian Territory can only be engaged in industry in closed columns.

.....

In industry, including mining, the setting up of "Russian Industries" where Russian workers exclusively are employed under German Foremen is to be aimed at as an ideal state of affairs. However, keeping all other foreign workers out of these industries where manpower from the former Soviet-Russian Territory is employed, will not be able to be put into effect all over. The factories are asked to get further recruits from the former Soviet-Russian Territory to replace other foreign workers, at least when changes take place later on.

.....

IV. Lodging.

According to the manpower of the former Soviet-Russian Territory from the German population, they are to be kept in closed camps (barracks) enclosed with a barbed wire fence answering the purpose. Wherever this, in individual cases, is not possible, the camp must be able to be locked and kept well-guarded. In agreement with the offices of the Reichsarbeitsverwaltung (Reich Work Administration), the Staatspolizeileitstellen (State Police Central Stations) are to check the suitability of the lodgings

Document Book V SCHNEIDER
SCHNEIDER Document No. 78
Exhibit No.
BURKART-Exhibit No. 102

(page 4 of original)

provided for these workers.

The industries are to set up the lodgings and bear the costs involved. The camps must have a room for guards, a dispensary and a prison cell for every 100 men.

The workers from the former Soviet-Russian Territory may leave their lodgings on principle only to do the work assigned to them in the factories. Accordingly all free time is to be spent in the camps.

.....

V. Guarding.

The workers engaged and housed in closed manner from the former Soviet-Russian Territory must be continuously guarded.

- 1.) The lodgings are to be guarded constantly. The guards are to be placed
 - a) in national industries (navy wharfs, railroads), by the guarding crews provided for these installations.
 - b) in factories having industrial police by the industrial police and supplementary forces of the guard forces,
 - c) in other factories by guard forces.

In so far as it is not possible to employ members of the guard forces, a special supervision service within the limits of self-protection is to be organized under supervision of the Staatspolizeileitstellen.

The Staatspolizeileitstellen are to supervise the guardforces mentioned under b) and c. In the industries mentioned under a, the regular police is to furnish as many of the leaders

(page 5 of original)

as possible for the guard forces.

2.) At the place of work, the workers from the former Soviet-Russian Territory are guarded by the camp guards in a less strict arrangement. Therefore, guards at the place of work are to comprise German overseers, foremen, and workers; they are to be given supervisory functions with regard to the workers from the former Soviet-Russian Territory and such persons are to wear an armband furnished them by the factory bearing the word "Werkschutz" (industrial police).

.....

As a rule, there will be one watchman in the camp, for every 20 to 30 workers, coming from the former Soviet-Russian Territory. However, - even at the place of work - only one watchman alone may not be engaged.

The industries bear the cost of guarding in so far as these duties are not performed by officials. They must also provide lodging for the guard crews.

The offices of the Reichsarbeitsverwaltung will, in order to make possible the furnishing of the necessary guard personnel in time, keep the Staatspolizeileitstellen directly informed of the employment districts, industries requiring workers, number of workers to be expected and the probable time when employment will become effective.

.. The Staatspolizeileitstellen will receive further directives.

.....

IX. Security Police Measures.

The Staatspolizeileitstellen are competent to ward off the dangers existing for the security of the Reich, German War Production,

(page 6 of original)

and the German nation, which might result from the employment of labor from the former Soviet-Russian Territory, and they are to receive special directives in this connection.

The Stastapolizeilostellen are also to receive further directives regarding the maintaining of discipline in the lodgings and at the place of work.

Document Book V SCHNEIDER
SCHNEIDER Document No. ...80
Exhibit No.
BURKART-Exhibit No. 104

Excerpt

from Kueppers'/Banner: "Conditions of Labor Allocation for Eastern Workers." Page 109, 2nd edition, Berlin, 1943.

Excerpt from the decree of the Reichsfuehrer-SS and Chief of the German Police of 9 April 1942 concerning:

Treatment of Workers from the former Soviet-
Russian Territory.

Supplement to chapter A of the General Regulations for Utilization and Allocation of Manpower from the East, dated 20 February 1942 -S-IV D-208/42(Foreign Workers).

Experience gained in the matter of allocation of manpower from the former Soviet-Russian territories (Chapter A of the regulations of 20 February 1942) enable us to conduct the recruiting propaganda more intensively, to improve the food of these workers and also to review the question of wages. In view of these facts and in consideration of the reports received up to now dealing with the experience gained by the Security Police I have deemed it expedient in agreement with the Plenipotentiary of Labor Allocation, Gauleiter SAUCKEL, to amend or to supplement, in addition to the measures mentioned above, some more points of chapter A of the afore-mentioned regulation of 20 February 1942, as follows:

ad A III Labor Allocation.

The newly adopted plans concerning the entire labor allocation render it unadvisable to keep up the strictest segregation of the workers from the former Soviet-Russian Territories from the German civilian population, foreign civilian workers and all prisoners of war since otherwise

(page 2 of original)

the possibilities for the utilization of this manpower would be too limited.

.....

ad A IV - Accommodation.

Concerning the separate housing the previous regulations remain in force with the following alterations:

1) No barbed wire may be used for fencing in the camps. All barbed wire used up to now must be removed.

.....

3.) There is no longer any need for separating families (as supra A III No. 2) in the quarters. In closed camps special rooms are to be provided for them if possible.

4.) As before workers from the former Soviet-Russian territories are not allowed to leave their quarters except when going to work. The strict closed camp order is relaxed, however, in that proven workers - as a reward so to speak - may be allowed to leave camp in closed groups under adequate German escort. The guard units or the plant personnel to provide the escort. In case of abuses escapes etc. the permission to leave camp must be withdrawn.

.....

Document SAUCKEL No. 1A

Copy from: "Decrees, Ordinances, Publications, Volume II,
published by the Party Chancellery, Central
Publishing Office of the NSDAP, Franz HER Mochl.
G.m.b.H., Munchen

Page 571:

Decree of the Reichsfuehrer-SS and Chief of the
German Police, 1/74/970, 12 November 1942
Subject: Marking of the Eastern Workers.

It has been suggested several times to the Plenipotentiary General
for Labor Allocation to give the Eastern Workers from the
Ukraine a separate badge, because they regard the badge "East"
as slight. The Reichsfuehrer-SS and Chief of the German Police
has issued the following declaration in this respect:

"With reference to the reasons laid down in my letter of 20 May
1942 I still cannot make up my mind to leave off marking the
workers from the former Soviet Russian territories with the "East"
badge.

I hold, of course, the same opinion as expressed by you in your
above letter that the Germans must not identify the "East" with
"Russia". Marking the Eastern Workers from the former Soviet
Russian territories with the "East" badge cannot, however, promote
any actualization of the conception "East" and the conception "Russia",
anyhow not as long/one uses terms

like Eastern Workers, occupied Eastern territories, etc. or similar modes of expression referring to the term "East". In consideration of the low ratio of ethnic Russians assigned to work in the Reich in the total number of Eastern workers there is no danger at the moment that by using the mark "R" the reverse of the intended effect namely an equalization of "East" and "Russia", would result. But marking the Ukrainians "U" would result in practical difficulties particularly because we have hundreds of thousands of Ukrainians from the Government General who are not marked at all. If we were to deviate from using the mark "Eastern Worker", and use as a substitute marks like "Russians" or "Ukrainians" or others, which would follow as a matter of course if we were to use different marks, this would above all create even greater confusion in the enterprises than hitherto, and the difficulties concerning the differential treatment, according to regulations, of Ukrainians from the Government General on the one side, and Ukrainians from the Reich Commissariat on the other side would further increase".

I herewith certify that above document is a true copy from:
"Decrees, Ordinances, Publications", Vol. II published by the
Party Chancellery, Publishing Office Franz Eher, Munich,
page 571.

Nuernberg, 2 March 1946

signed: Dr. SERVATIUS

Attorney-at-Law.

C o p y

The Reich Minister of Food
and Agriculture
G. - Z: II/I - 7092 -

Berlin W 8, 17 April 1942
Wilhelmstrasse 72

EXPRESS - LETTER I

To the

Regional Governments (Regional Food Offices)
Prussian Provincial Prefects (Provincial Food Offices)

by way of notification to the District Presidents
and respective Authorities

Re: Food Rations for Prisoners of War and Soviet Civilian
Workers.

The Plenipotentiary General for the Utilization of Labor as provided by the Four Year Plan has ordered that the employment of Soviet prisoners of war and civilian workers in the armament industry as well as in agriculture be speeded up and increased. The arrival of larger transports is to be expected in the near future. In order to guarantee utilization of all the Soviet prisoners of war and civilian workers already employed in the Reich and of those who are yet to arrive, as far as food is concerned, the following is decreed, effective immediately, in part amendment of my decree of 24 March 1942 - II/I - 6620 - in agreement with the Plenipotentiary General for the employment of labor and the High Command of the Armed Forces :

- 1) Food rations for the Soviet workers (prisoners of war and civilian workers) employed in the armament industry or else in the industrial economy (gewerbliche Wirtschaft). The rations are as follows:

(page 2 of original)

a) Ordinary workers:

Bread	2 500 g per week
Meat	250 g " "
Fat	130 g " "
Potatoes	5 250 g " "
Cereals	150 g " "
Sugar	110 g " "
Tea-substitute	14 g " "
Vegetables, as available (Turnips)	

b) Heavy workers:

Bread	3 400 g per week
Meat	400 g " "
Fat	200 g " "
The other victuals as in a)	

c) Very heavy workers:

Bread	4 200 g per week
Meat	500 g per week
Fat	260 g " "
The other victuals as in a)	

d) Miners under ground:

Bread	4 400 g per week
Meat	600 g " "
Fat	300 g " "
The other victuals as in a)	

e) Overtime and night workers receive no additional food allowance.

f) The above food rations apply to female workers also.

Skimmed milk is not to be supplied.

The meat-portion is as far as possible to consist of horse-meat and meat from animals slaughtered from necessity (Freibankfleisch) /of in calculation of the full rate.

The fat is to be margarine as far as possible.

(page 3 of original)

Bread is principally to be made of a mixture of 72 % whole rye meal (Roggenschrot) and 28 % full value sugar beet shreds. As long as bread with sugar beet shreds is not supplied, normal bread may be used. Special emphasis is placed on the preparation of filling soups such as the Russians are accustomed to in their diet. Thus instead of 500 g bread, 360 g rye flour or 380 g whole rye meal or 360 g rye groats may be given.

By order
B.CKE .

EXCERPT

from the document book for the defendant Albert SPIER, presented
by attorney at law Dr. Hans FLAETSCHNER in the HIT - Trial.

SPIER Exhibit No. 4

Fuehrer Record of 21 / 22 3 1942.

- Point 20. The Fuehrer declared unequivocally and at great length,
that he did not agree that the Russians should be fed so
poorly. The Russians must receive an absolutely suffi-
cient of food and SAUCKEL was to see to it that SACKS
would now make sure that such feeding measures were
taken.
- Point 21. The Fuehrer is surprised that the Civilian Russians
are kept behind barbed wire fences like prisoners of
war.

I told him that this was based on an order issued
by him. The Fuehrer knows nothing of such an order. -
I ask that the files on this be given me for the next
Fuehrer - portfolio and at the same time that SAUCKEL
see to it that the civilian Russians are no longer
treated like prisoners of war.

signed: SPIER

For the correctness of the excerpt:

Dr. FLAETSCHNER
Attorney-at-Law.

E x c e r p t
from the Information Service of the District Group Northwest
of the Economic Group Iron-producing Industry of 20 October 1942
No. VII/90.

Food rations for the Soviet and Non-Soviet prisoners of
war and the Eastern workers (female workers).

As stated by the Reich-Minister for Food and Agriculture in
the Decree II/1 - 10477 - of 6 October 1942, effective 19 October
1942, additional rations are introduced for Soviet prisoners of
war and Eastern workers on long or night shifts, bread contain-
ing shredded sugar beet is to be discontinued, the potato and
bread rations - bread only for very heavy workers - are to be
increased.

From the general survey given by the Reich-Minister for Food
with the same Decree concerning the Food Rations for the Soviet
Prisoners of War and the Eastern Workers as well as the Non-
Soviet Prisoners of War, we give the following excerpt:

I. Food rations for the Soviet prisoners of war employed in the
armament industry or in the industrial economy and billeted in
camps:

The rations are as follows:

a) Ordinary workers:

Bread	2 500 g per week
Meat	250 " " "
Fat	130 " " "

(page 2 of original)

Potatoes	7 000 g per week
Cereals	150 " " "
Sugar	110 " " "
Tea-substitute	14 " " "
Vegetables as available	

b) Long- and night-shift workers:

Bread	2 500 g per week
Meat	300 " " "
Fat	150 " " "
The other victuals as in a)	

c) Heavy workers:

Bread	3 400 g per week
Meat	400 " " "
Fat	200 " " "
The other victuals as in a)	

d) Very heavy workers:

Bread	4 400 g per week
Meat	500 " " "
Fat	300 " " "
Tea-substitute	25 " " "
The other victuals as in a)	

The bread to be issued is to be of the same composition as the R-bread for the civilian population. Special emphasis is placed on the preparation of filling soups similar to those the Russians are used to as part of their diet. Instead of 500 g bread therefore 350 g rye flour or 380 g whole rye meal or 350 g rye groats may be supplied.

(page 3 of original)

The meat-portion is as far as possible to consist of horse-meat and "Freibank" meat in calculation of the full rate.

The fat is to be margarine as far as possible.

Other food items are to be allocated on the scale of the basic rations which then applies to that region in the subdivision of the victuals into cereals, cereal products and potato-starch products. When millet or buckwheat are used, which are to be imported in larger quantities from the East if possible, the amount is to be fully calculated in the cereal ration.

Other vegetables besides turnips may be allotted, if the vegetable-supply for the civilian population is not affected thereby. Provision must be made for storing adequate supplies in good time. Vegetables left over at the end of a market-day are to be turned over to the camp-managements if there is no other way to prevent their going to waste.

The supply of fresh skimmed milk is not permitted.

II. Food rations for Eastern workers (females also) employed in the armament industry or in the industrial economy in the campes.

The regulations for this group are identical with the ones mentioned in I.

Excerpt from the Document Book for the defendant
Albert SPIER, as presented by attorney-at-law Dr. Hans
BLACHSNER at the I.M.T. trial. (Illegible)

SPIER Exhibit No. 5.

Fuehrer Transcript of 30 May 1943

Item 13. Furthermore, the German miners are to receive still better food supplies, if possible, than in the past. The Russians are to get ample additional food supplies, to be distributed by the plant leader to individuals on the basis of their output. In addition, Germans, as well as particularly the Russian prisoners of war, are to receive for special achievements rewards in the form of tobacco or similar items.

(signed) SPIER

The authenticity of this excerpt
is certified by:

(signed): Dr. BLACHSNER
Attorney-at-Law.

Document Book V SCHNEIDER
Document SCHNEIDER No.
Exhibit No.

CERTIFICATE OF TRANSLATION

16 February 1948

We hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Document Book V SCHNEIDER.

Hanna Marie BIEBER, Civ. No. B-397 989, (pages 5-10)

.....

Hildegard L. FIRTEL, Civ. No. 17 415, (pages 47-52; 68-69)

.....

Rosal GETRNU, Civ. No. 45 672, (pages 1-4)

.....

Alfred OBERLAENDER, Civ. No. 20 192, (Cover; Index; pages 45-46; 66-67)

.....

Frederic L. PERA, Civ. No. B-397 943, (pages 22-25)

.....

Case 6
Defense

TRANSLATION OF DOCUMENT BOOK 6 SCHNEIDER
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Document Book

for

Dr. Christian Schneider

No. 6

Submitted by the

Defense Counsel

Dr. Hellmuth Dix

Lang



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to the Document Book for Dr. Christian Schneider

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I guarantee that all the documents contained in this
Document Book agree literally with the documents which
have been submitted to the Tribunal.

Nuernberg, 7 February 1948.

signed: Dr. Hollmuth Dix

(Dr. Hollmuth Dix)

Attorney at Law.

DOCUMENT BOOK VI SCHNEIDER

DOCUMENT No. 69, Exp. No.

BURKART EXHIBIT N. 92

Enclosure for Rns. Kdo. No. 2799/40 g.

High Command of the Armed Forces

W Stb Abt. Rns No. 5480/39 g III a

S E C R E T

Secret

ARMAMENT ECONOMY MOBILIZATION PLAN

Volume IX (Part II)
Factory Guard
for Ppt and Military Economy Enterprises

(W-Enterprises)

Berlin 1939

Printed by the High Command of the
Armed Forces

The contents are to be treated as secret matters
in the meaning of Par. 88, Reich Penal Code
(version of 24 April 1934). Misuse will be
punished in accordance with the provisions of this
law, provided misuse is not covered by
other articles in the penal code.

Volume IX

Part II

Factory Guard for protected military economy enterprises
(W-Enterprises).

Section I: General.

It is the duty of the factory guard for protected military economy enterprises, in times of peace and war, to maintain order in the factory within the framework of existing regulations, and to assist in warding off activities detrimental to the works.

In addition the factory guard will be used, during the time of war, in combatting enemy parachutists and air-borne troops in accordance with the general directions, issued by the High Command of the Armed Forces, for combatting parachutists and air born troops. (Enclosure 2: Extract)

Enclosure
2

Factory guards will be installed during peace time in those enterprises, which are of primary importance to the war economy, so that a change in personnel, in time of war or during a period of tension, will not have to be made, thereby limiting the change to an increase in guards composed of secured and tested factory employees, proportionate to the employment increase.

Section II:

Jurisdictional and other Authorized Offices for the

Factory Guard for Protected Military Economy Enterprises.

1. The High Command of the Armed Forces (Wehrwirtschaftsstab) (Military Economic Staff) - OKW (W-Stab) - and the subsidiary offices.

The High Command of the Armed Forces (Wehrwirtschaftsstab) (Military Economic Staff), along with its subsidiary offices will direct the establishment of factory guard^s for the protected military economy enterprises; the Plenipotentiary General for Economic Affairs is to be kept informed of all proposed measures affecting the protected ~~W~~-enterprises which come under his supervision.

Periodic inspections of the factory guards at all protected W-Enterprises will be carried out by agents of the responsible Military Economy Inspectorate and for Military Economy Offices.

Supervision of the factory guard for the aviation industry will be carried out by the Reich Minister for Aviation and the Office of the Commander-in-Chief of the German Air Forces in accordance with directions issued by the High Command of the Armed Forces (Military Economy Staff).

The Chief of the High Command, in concurrence with the High Command of the Armed Forces - General Army Office - will decide on all questions concerning type and strength of factory guard ^Finherent with due consideration both for urgent Armed Forces requirements for arms and equipment and available supplies of arms on hand.

2. The Reichsfuehrer SS and Chief of the German Police

Security Police supervision of all guard units in Germany will be exercised by the Reichsfuehrer SS and Chief of the German Police pursuant to Par. 1, in "Guard-Duty Regulations" of 14 December 1937, issued by the Reich Minister of the Interior.

Enclosure 3

Enclosure 4

Where guard units are compelled to assume the duties of the factory guard for protected enterprises, the special regulations of the High Command of the Armed Forces, Department Military Economy Staff, will apply in accordance with "Preliminary Instructions on the Execution of the Decree concerning Guard Duty", of 31 March 1939, issued by the Reichsfuehrer SS and Chief of the German Police.

The functions of the Reichsfuehrer SS and Chief of the German Police in the protected enterprises are limited to the investigation, through the State Police, of persons selected for the factory guard, and their schooling and training outside of the enterprises in factory guard schools, to be furnished by him.

In contrast to the functions of the factory guard of the enterprises, those of the Security Service of the Reichsfuehrer SS bear upon the confidential investigation of all types of enemies of the state. For that reason, the Security Service places its confidential agents inside the enterprises.

3. The leader of the local "Reinforced Police Protection".

The Reich Ministry of the Interior has made preparations, in agreement with the High Command of the Armed Forces, for the establishment of a re-inforced police protection to serve in the event of war or during periods of tension.

The re-inforced police protection consists of the following formations: security police, including harbor and river protection police, rural police, county police, and the reserves who are to be called in.

In time of war, the factory guard leader and his men will take their orders from the leader of the local re-inforced police protection. The procedure is as follows:

Page 5 of original cont'd.

- a) in localities under State Police administration, orders are issued by the commanding officer of the security police;
- b) in rural localities under county police administration orders are issued by a qualified officer of the security police, rural police, or county police, who will be appointed by the provincial president.

This system of subordination means that the leader of the factory guard will keep the leader of the local re-inforced police protection currently posted on all unusual occurrences within his department, and will maintain close contact with him, in order to ensure for himself the support of the additional forces of the re-inforced police protection in cases of emergency. The factory guard, either in its entirety or in part, will not be marched out of an enterprise, and used for other purposes, for the sole function of the factory guard is to protect the object to which it has been assigned.

In the event of the local police being called upon, in cases of imminent danger, at the request of the leader of the enterprise, to furnish protection for the enterprise, both the command of the factory guard, and the responsibility for all measures taken in the enterprise, are assumed by the leader of the police unit upon its arrival.

Section III: Organization of the Factory Guard.

4a) The Main Factory Guard, General.

The heavy need for manpower by the Armed Forces, in time of war, necessitates the exercise of utmost economy in securing men who are eligible for military service, and in retaining them as indispensable, for the purpose of engaging their services elsewhere. The factory guard at protected enterprises, therefore, is ordered to act accordingly.

Attainment of this objective is effected by establishing a numerically small, main factory guard cadre, and a supplementary complement.

Differences between the protected enterprises preclude the possibility of drawing up a standard model for the factory guard. Strength and equipment of the factory guard must, in each individual case, conform to the characteristics of the enterprise it is to protect. Thus, an enterprise which manufactures gun mount covers will

Page 6 cont'd.

not require the services of an active, main factory guard of a strength equal to that required by a plant of the same size, which manufactures explosives.

In addition to its normal duties the factory guard is expected to be in a position to furnish, in so far as it becomes necessary and without appreciable re-inforcements, guard sentinels or night watches, who will guard the outside of the enterprise, i.e. installations lying beyond the walls of the factory.

In the event of war or an emergency, it should be endeavored to quarter members of the main factory guard in barracks inside the enterprise. Preparations for such a move should already be made during peace time.

b) The supplementary factory guards, General.

The supplementary factory guard will be composed of qualified, politically reliable employees of the enterprise, who have been investigated by the Gestapo, who have been specially trained for this purpose, and whose positions as skilled workers are secure and indispensable. Former soldiers are particularly well qualified. These supplementary factory guards will be alerted for guard duty only in cases of emergency; their chief occupation will be that of an employee or laborer of the enterprise. They will receive their guard training from the main factory guard. As for the rest, directions and policy of the main factory guard apply accordingly to the supplementary factory guard.

5. The Leader of the Enterprise.

The leader of the enterprise is responsible for the establishment and training of the main and the supplementary factory guard of the enterprise.

For the proper execution of his task, he appoints a suitable official or employee of the enterprise as leader of the factory guard.

The leader of the enterprise may not order a change in the numerical strength of the main factory guard without having first secured the approval of the proper Military Economy Inspectorate and/or Military Economy Office. This directive applies, in particular, to those cases where a numerical decrease of the main factory guard may be under consideration.

- 8 -

6. The leader of the factory guard.

All appointments to the position of leader of the factory guard which are made by the leader of the enterprise, must be confirmed by the Military Economy Inspectorate.

The leader of the factory guard should be politically unobjectionable, trustworthy, qualified for the job, and should occupy one of the higher positions in the enterprise.

The leader of the factory guard will draw up a factory guard plan. This plan will include all details of the factory guard for the enterprise such as personnel data, distribution of arms, and details of duty. The factory guard plan will be entered in the mobilization schedule of the enterprise.

Whenever possible, the functions of the person charged with the problem of security and/or the confidential adviser, and the leader of the factory guard should be combined in one person. In case this is not possible, the factory guard should at least be placed at the disposal of the security agent to the extent of ensuring proper execution of his duties.

7. Plan of the Main Factory Guard.

a) Selection.

Members of the main factory guard will be selected, whenever possible from the rank of the employees of the enterprise and will carry out their duties on a full time basis. Those selected will be strong, resolute, politically unobjectionable, and thoroughly reliable men who have been investigated by the State Police and who, if possible, have had military training. In time of war they will be appointed auxiliary police officers, if necessary, and will be subject to the same rules issued for the re-inforced Police Protection without, however, giving up the terms of their appointments according to civil law.

- 8 -

Page 8 cont'd.

The training of the entire factory guard is placed in the hands of the factory guard leader. Arrangements have been made for members of the factory guard gradually to go through the complete school course at the factory guard school of the Reichsfuehrer SS and Chief of the German Police.

- 9 -

A list of all members of the factory guard is kept at the proper State Police Offices. All names are to be reported at the State Police Office. The enterprise will notify the proper State Police Office of any change in the composition of the factory guard without delay.

Of new employees, the following will not be selected for the factory guard as their main duty:

- aa) newly educated service grades and specialists
 - bb) members of the reserve I
 - cc) members of the reserve II-
 - dd) members of the replacement reserve I born in 1913 or after
 - ee) skilled workers who are available for defense work.
- For men employed as factory guards as main duty the same conditions apply as for skilled laborers as far as indispensability is concerned.

b) Strength of the factory guard.

The strength of the main factory guard depends on the size and type of the factory, under consideration of the fact that its effect depends more on the proper selection and training of the personnel than on its numerical strength.

The strength of the supplementary factory guard could be, if necessary, twice as high as that of the main factory guard.

c) Clothing.

For reasons of discipline and reputation of the factory guard, standard, uniform-like clothing is desirable, however not necessary. Expenses for the special clothing are to be borne by the firm.

A distinguishing mark for the factory guard man by an outer badge, e.g. a brassard, is at least to be requested.

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In wartime, the members of the factory guard will wear a yellow brassard, stamped by the police, showing the insignia of the German State in order to make them recognizable as members of the Armed Forces, in accordance with article 1 of the Hague Land Warfare regulation.

3. Arms to be carried by factory guards.

a) Type of Arms

aa) Pistols.

Factory guards normally will carry pistols.

bb) Carbines.

In exceptional cases, namely, when the size of the factory ground makes the use of the pistol ineffective because of great shooting distance, as f.i. at airports, the arming of factory guards with carbines may be permitted. The arming with carbines in these cases, however, should be restricted to utmost necessities. In requests to be submitted, reasons will have to be stated.

Suggestions are to be submitted to the High Command of the Wehrmacht (War Economics Staff), in the following way:

- (1) Through the weapons offices of the respective Wehrmacht sections for the factories owned by the Wehrmacht.
- (2) Through the War Economics Inspectorates for the factories under supervision of the Wehrmacht (W-works).
- (3) Through the War Economics Inspectorates for the protected works of the Plenipotentiary of Industry.

The factories have to address their requests for carbines and ammunition to the local War Economic Inspectorates of their district, through the local War Economy Office resp. the subordinated office of the Plenipotentiary for Industry. The War Economy Inspectorates have to examine these suggestions thoroughly as to necessity and strength of the required armament, before they forward them to the High Command of the Wehrmacht (Wehr...

- 11 - Enclosure 4 -

FIRST DECREE ABOUT CARRYING OUT GUARD

DUTY REGULATIONS.

Of 31 March 1939

Pursuant to the Decree Concerning Guard Duty, of 14 December 1937, (Reich Law Gazette I, page 1387), and the Decree Concerning Guard Duty in Austria and in the Sudeten-German areas, of 27 February 1939, (Reich Law Gazette I, page 339), I order as follows:

Article 1

The state police (main) offices shall exercise police supervision over all organizations concerned with guard duties, according to article 1, of the guard duty regulations for the Reich proper (Alt-reich), Austria, and the Sudeten-German areas.

Article 2

(1) The police supervision consists of:

- a) Testing the personal reliability and essential fitness of persons who are employed by organizations concerned with guard duties, according to article 1, of the guard duty regulations.
- b) The training of these persons.
- c) The issuance of directives regarding the structure and functions of the organizations concerned with guard duties, according to article 1, of the guard duty regulations.
- d) The supervision of the observance of these directives.
- e) The supervision of weapons and the use of weapons.

(2) To the extent to which the organizations concerned with guard duties are charged with the tasks of plant protection of plants protected by the Wehrmacht, of air-raid protection, of the intensified police protection and of fire protection, they are subject to the special regulations of those authorities who are competent for these departments.

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Article 3

All required information concerning the effecting of police supervision must be given to the state police (main) offices.

Article 4

(1) All organizations concerned with guard duties, which come under article 1, paragraph 2, subsection b, of the two decrees about guard duties, must be registered before 1 July 1939 with those competent state police (main) offices, in whose districts the organizations concerned with guard duties are functioning. A blank, to be requested from the state police (main) office, is to be used for the registration.

(2) The plant leader is responsible for registering.

Berlin, 31 March 1939

The Reichsfuehrer SS and Chief of the
German Police in the Reich Ministry
of the Interior
(signed:) H. HEIDLER

Excerpt from Labor Law File 956
18 September 1942
"Breach of Labor Contract" II A a)

- 13 -

a) Decree against breach of labor contract, hiring workers away from their employers, as well as demanding unreasonably large compensation in private enterprise. From 20 July 1942.

(Reich Gazette No. 174/1942; Reich Labor Gazette 1942, number 22, page I 34).

By virtue of Section 1 of the Wage Scale Formation Decree of 25 June 1938 (Reich Legal Gazette I, pg. 691) in connection with Section 2 of the Decree for the Execution of the Wage Scale Formation Decree of 23 April 1941 (Reich Legal Gazette) and the Decree concerning the Administration of Justice (Rechtssetzung) by the General Plenipotentiary for the ~~Regulation~~ of Labor of 25 May 1942 (Reich Legal Gazette I, page 347); I decree as follows:

Section 1

A staff member (clerk, laborer, apprentice, trainee) must do such work as he is obliged ^{at} to do according to existing regulations.

Section 2

A staff member may not

- a) refuse to perform or purposely slow down work assigned to him by the Betriebsführer or his deputy (including overtime, night, Sunday and holiday work) which he is duty bound to accomplish,
- b) contrary to his duty remain away from work, that is, particularly to be absent without sufficient excuse, to be repeatedly late for work without a good reason or to leave work in violation of your duty,
- c) disturb the ordinary course of work through a behaviour that breaches the discipline, f. i. through deeds or coarse scolding.

Section 3

An occupational relationship (worker, apprentice and trainee relationship) cannot be terminated before its time by either party without justification.

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If periods of different length are provided for the dissolution of the occupational relationship by the compulsory legal prescriptions in the tariff regulations, the rules of the plant, the individual labor contract or in a regulation based on the Wago Scale Formation Decree then the party dissolving the contract will be governed by the longest period of time that pertains.

Section 4

The proprietor - in domestic economy the head of the household - or his deputy may not employ a staff member of whom they know, or under the circumstances must assume, that he is obligated to work somewhere else. This does not pertain to supplementary work in so far as the necessary consent of the Labor Office for such employment is present or, in case such consent is not demanded, the principal occupation is not injured; an encroachment is not to be assumed if the staff member has the permission of his employer to assume this supplementary work. The proprietor or his deputy is required to examine the question of an outstanding obligation to work on the part of the one to be employed very carefully.

Section 5

Every act is forbidden which proposes, through an offer of higher pay or other better working conditions, to hire a staff member who has an occupational relationship for which no notice has been given, away from his place of employment.

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Section 6

The staff member may not demand ^{or} wage compensation (educational grant) of which he knows, or under the circumstances must assume, that it exceeds the usual amount for comparable work in the plant or the trade. In this comparison the type and quality of the work, as well as age, trade membership and age are to be considered. Besides this, the provisions of Section 21 of the Chapter III of the War Economy Decree of 4 September (Reich Legal Gazette I, page 1809) shall apply.

Section 7

*) A copy of this decree is to be handed out in all plants and departments of plants at a suitable location which is convenient to all staff members.

Section 8

1.) Whoever purposely or through negligence violates or evades this decree shall be punished, on application of the Reich Trustee or Special Trustee of Labor, according to Section 3 of the Decree Concerning Wage Scale Formation of 26 June 1936 (Reich Legal Gazette I, page 491) with imprisonment and a money fine, the latter in unlimited amount, or with one of these punishments, or according to Section 1 of the Third Provisions for the Execution of Chapter III (war wages) of the War Economy Decree of 2 December 1939 (Reich Legal Gazette I, page 2370) in connection with the Fifth Provisions for the Execution of Chapter II¹ (war wages) of the War Economy Decree - conversion of uncollectible disciplinary fines (uneinbringliche Ordnungsstrafen) into substitute prison sentences - of 14 April 1942 (Reich Legal Gazette I, page 180) with a disciplinary money fine, in place of which, in case of non-payment, there will be imprisonment (arrest) up to six weeks.

*)

Copies of this regulation can be ordered from the office of the Reich Labor Gazette in Berlin SW 11, Saarlandstr. 96.

The necessary (instigator, collaborator and assistant) is also punishable.

2.) The Reich Trustee or Special Trustee of Labor who enforces the regulations in the individual case is the competent authority.

3.) Also competent is the Reich Trustee of Labor

- a) in whose district the offense was committed or
- b) in whose district the accused was taken into custody when the charge has been made or
- c) in whose district the arrest is made or
- d) in whose district the accused resides or works at the time the charge is filed or a disciplinary punishment process is initiated.

4.) In the case of several competent Reich Trustees or Special Trustees of Labor, that one has preference who was first concerned in the matter, in case of doubt the Plenipotentiary General for the Allocation of Labor will determine the competent Reich Trustee or Special Trustee of Labor.

Section 9

1.) The decree pertains only to the sphere of private economy. It is also valid in so far as staff members are sent into the Protectorate of Bohemia and Moravia, the General Government, the occupied territories and other foreign countries.

2.) The regulation is also valid with the exception of Section 7 for the domestic economy.

Section 10

This regulation goes into effect on 15 August 1942.

.....

The accessory (instigator, collaborator and assistant) is also punishable.

2.) The Reich Trustee or Special Trustee of Labor who enforces the regulations in the individual case is the competent authority.

3.) Also competent is the Reich Trustee of Labor

- a) in whose district the offense was committed or
- b) in whose district the accused was taken into custody when the charge has been made or
- c) in whose district the arrest is made or
- d) in whose district the accused resides or works at the time the charge is filed or a disciplinary punishment process is initiated.

4.) In the case of several competent Reich Trustees or Special Trustees of Labor, that one has preference who was first concerned in the matter. In case of doubt the Plenipotentiary General for the Allocation of Labor will determine the competent Reich Trustee or Special Trustee of Labor.

Section 9

1.) The decree pertains only to the sphere of private economy. It is also valid in so far as staff members are sent into the Protectorate of Bohemia and Moravia, the General Government, the occupied territories and other foreign countries.

2.) The regulation is also valid- with the exception of Section 7 - for the domestic economy.

Section 10

This regulation goes into effect on 15 August 1942.

.....

Extract from the Reich Labor Gazette 1943, part 1, page 543.

Decree No. 13

of the Plenipotentiary General for the Utilization of Labor for
Safeguarding Order in Factories

dated 1 November 1943.

In order to supply the fighting front with the necessary
armament material, it is necessary that absolute discipline be
maintained among workers in the factories. It is primarily the duty
of the Betriebsfuehrer to see that such discipline is maintained,
or, if necessary, restored. By virtue, of Section 1 of the Decree
concerning Wage Scales of 25 June 1938 (Reich Legal Gazette I, page 691),
in conjunction with Section 3 of the Decree for Execution of the Decree
concerning Wage Scales of 23 April 1941 (Reich Legal Gazette I,
page 222) and the Decree concerning the Administration of Justice (Recht -
swegung) of the Plenipotentiary General for the Utilization of Labor of
25 May 1942 (Reich Legal Gazette I, page 347), I order the following
for all private economy:

Section 1

The Betriebsfuehrer or his authorized agent will continuously
guard the discipline among the workers in the plant, and will in the
event of violations take measures as laid down in Section 2 to 5.

.....

Section 5

If the Betriebsfuehrer considers that any measure by the plant or
an auxiliary thereof is not sufficient, or in the event all measures
have been exhausted, he will without delay notify, in the case of
Germans, the leaders of the competent Labor Office as the
authorized agent of the Reich Trustee of Labor, and, in the case of
foreigners (including those from the Protectorate and the nationals
of other countries protected by ^{the} German Reich) as also in the case of
Eastern workers, the competent Police Office.

.....

Section 7

Any Betriebsführer or his authorized agent who acts in contravention of this Decree or evades same either deliberately or negligently, shall, in accordance with Section 2 of the Decree concerning Wage Scales of 25 June 1938 (Reich Legal Gazette I, page 691), on the application of the Reich Trustee or the Special Trustee of Labor be punished with imprisonment or a fine, the latter to an unlimited amount, or with either of these, or, by virtue of Section 1 of the Third Executive Provisions to Chapter III (War Time Wages) of the War Economy Decree of 2 December 1939 (Reich Legal Gazette I, page 3570), in conjunction with the Fifth Executive Provisions to Chapter III (War Time Wages) of the War Economy Decree - commutation of irrecoverable disciplinary penalties into substituted imprisonment - of 14 April 1942 (Reich Legal Gazette I, page 180), with a disciplinary penalty in the form of a fine, which in cases of non-recovery shall be commuted to a term of imprisonment not exceeding 6 weeks. The participant (instigator, accessory and assistant) is also punishable.

signed: SAUPEL

Extract from Explanations to Decree No. 13 of the Plenipotentiary General for the Utilization of Labor.

Previous History

In spite of repeated warnings Betriebsführer have in many cases - be it through carelessness or for other reasons - neglected to take measures against lack of discipline among workers. It is mainly a question of the following kinds of violations by the workers of the plants:

Loafing at work, refusing to work, slowing down work intentionally or other lack of discipline (for instance: brawls in the plants).

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These facts have been specified and made punishable in the Decrees of the Plenipotentiary General for the Utilization of Labor in cases of breach of labor contracts and enticement from work, as also the demanding of excessive wages in the private economy, of 20 July 1942 (Reich Legal Gazette 1942, I, page 341) and for safeguarding important labor of importance to the war effort, of 1 October 1942 (Reich Legal Gazette 1942 I, page 445). Both decrees apply now, as before. As, however, Betriebsführer have very often not taken any steps against the workers, it has now become necessary also to punish such behaviour of the Betriebsführer which is contrary to their duty. On the other hand, the wishes of those Betriebsführer who wanted to act energetically, but did not think a deterring effect could be obtained with the means at their disposal at the plant at the time, had to be taken into consideration.

Contents of the Decree.

For these reasons the Plenipotentiary General for the Utilization of Labor has in his decree No. 13 for Safeguarding Order in the Plants of 1 November 1943, specified

- a) the obligation of the Betriebsführer or his agent to guard the discipline among the workers at the plant continuously, and to oppose violations accordingly, as also
- b) the means which are at the disposal of the Betriebsführer, and are also to be applied by them, for punishing lack of discipline.

Threats of Punishment.

In the event of plant leaders or their authorized agents infringing, either intentionally or negligently, the duty imposed on them, they will at the request of the Reich Trustee or the Special Trustee of Labor be punished by the Courts with imprisonment and a fine, or one of these, or by the Reich Trustee or the

Special Trustee of Labor with a disciplinary penalty in the form of a fine of an unlimited amount. In cases where this cannot be recovered the disciplinary penalty may be converted to a term of imprisonment not exceeding 6 weeks. The participant (instigator, accessory, and assistant) is also punishable. Prosecution will in the first place be a matter for the Reich Trustee of Labor who is competent for the main factory.

EXCERPT Burkhart Exh. No. 87

from the

Information Service of the District Group

NORTH-WEST

of the

Iron Producing Industry,
Düsseldorf, 9 February 1943.Düsseldorf, 9 February
1943

No. VII/11.

DISTRICT GROUP NORTH-WEST
of the Economic Group
IRON Producing INDUSTRY.
.....a) Measures against Breach of Labor Contracts especially by Foreign
Workers. Informative Service VII/11 of 9 February 1943

The Plenipotentiary-General for Labor Allocation has in agreement with the Reichsführer SS and Chief of the German Police issued the following regulation:

It is in the first place the task of the plants to insist that foreign workers carry out their tasks. Violations against discipline must therefore be punished by them at first with the means put legally at their disposal (warnings, fines, shifts during which they have loafed to be deducted from leave, etc.). The plants may in no case take further independent measures, such as cutting down rations, deprivation of liberty, and even corporal punishment.

After all means at the disposal of the plant leaders have been exhausted in co-operation with the German Labor Front, the plant leader will in future pass all notices concerning lack of discipline at work on the part of foreign workers - including those from the Protectorate and Poland - on to the Gestapo Regional HQ. In places where there is no office of the Secret State Police, the notices are to be handed to the Local Police Authorities.

DOCUMENT HIDE & SCHWIDER

Document No. 64
Burkhardt Exh. No. 87

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In case a worker has escaped or has not returned from leave, the plants
will send a copy of the notice to the Labor Offices also.

.....

- 21a -

Excerpt from the Information Gazette of the Reich Minister for
Armament and War Production, 1944, p. 357.

Decree of the Reich Minister for Armament and War Production,
Berlin, dated 2 March 1944.

Measures against Lack of Discipline among Workers in the Factories

To all Plant Leaders!

During the coming months we shall have to complete tremendous programs and it is our profound duty to utilize the available labor for obtaining the best possible results. Among the masses of workers there are always some who have a bad idea of discipline in their work. It is true, they are only a very small minority, nevertheless, it is imperative, in order to avoid any bad example, to proceed most severely against such elements. The German Labor Front and the Plenipotentiary General for Labor Allocation have shown forth and decreed a way which, if conducted correct, will lead to proper educational results.

Attached you will find for your information Decree of the Plenipotentiary General for Labor Allocation of 1 November 1943 - III 8 No. 8549/43 (See also Reich Labor Gazette of 15 November 1943 p. 1 545) of which - for the reasons set out - I demand strict observance.

The Decree determines the ways and means that should be taken to bring to order those who loaf at work and those who commit a breach of their labor contract (See articles 2 to 5); on the other hand, its purpose is also to put the plant leader under the obligation to report notorious loafers and those who commit a breach of their labor contract, as otherwise he himself becomes liable to punishment. (Articles 1 and 7).

According to Article 6 of the said Decree, the report should in the case of Germans (Inlander) be made to the leader of the competent labor Office, as the authorized agent of the Reich Institute of Labor, and in the case of foreigners (including those from the Protectorate and the Protegees of the German Reich) as also in the case of eastern workers, to the competent Police Regional Sq., or, insofar as the latter determines otherwise, to the Local Police Office.

Loafers and those who commit a breach of their labor contract will be punished according to the circumstances of the offense, as is laid down in the attached Decree the educational measures of the plant should be applied first, whereby it is highly recommended that the German Labor Front be called in. Should these educational measures not suffice, notorious idlers, that is to say therefore mischievous (boswillige) elements and those committing a breach of their labor contracts, will be severely dealt with. They will be sent to a Disciplinary Labor Camp for a period not exceeding 90 days, or, in serious cases, to a concentration camp. Whether an offender shall be sent to a Disciplinary Labor Camp or to a concentration camp, and for how long, shall be decided by the competent Police Regional Sq. Workers will, in principle, after their release from detention, be directed to their former plant. Therefore, no plant will permanently lose workers on account of their being reported.

It is incomprehensible to me to find that part of the plant leaders have not made use of these measures and prefer to allow permanently for a certain amount of absenteeism (Fehlstand) on account of idlers. It is the task of plant leaders to decrease the absenteeism for reasons of performance with all the means at their disposal, and to see to it that a large number of workers present themselves for work in all circumstances and during all seasons. I therefore demand of all plant leaders that they exhaust the possibilities given them and take all steps to deal with any lack of discipline in their plants and also instruct the sub-leaders of their plants on these tasks.

signed: SPEER

Excerpt from the leaflet of the Gestapo Regional Hq., Dusseldorf, dated 24 June 1942, referring to the treatment of Soviet Russian workers from the old Russian territory by the Security Police.

All civilian workers who come from the territory formerly belonging to Soviet Russia, with the exception of those coming from the States of Lithuania, Latvia, Estonia and the districts of Bialystok and Lublin, and who were assigned by the Labor offices to factories as Soviet Russian workers are to be considered workers from the old Soviet Russian territory. Exceptions because of folkdom, i.e. for Ukrainians, are not permitted except where "Volksdeutsche" (ethnic Germans) are concerned.

The Soviet Russians brought into the Reich are offering their services to the Reich; they deserve, being impoverished and starved by Bolshevism, a fair treatment and special care so that their ability to work may be preserved.

Their utilization, however, also includes the possibility of considerable danger. These people lived for decades under Bolshevistic rule and have been systematically taught enmity towards National Socialist Germany and European culture. They prove best that Bolshevism has succeeded in destroying all human values and in creating a biological low-mark within the Russian people that excludes any association with these people.

Strictest precautions will therefore be taken.

1. It must be prevented that the Soviet Russians take up contact with German or foreign workers in order to try to spread their bolshevistic poison.

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2. It must be prevented that commissars or agents, possibly existing among the Soviet Russian workers, have the possibility to provoke, or to organize and carry out acts of sabotage.
3. It must be prevented that Soviet Russians come in contact with Germans and therefore annoy them intolerably.

III. Guarding of Soviet Russian workers.

The Soviet Russian workers, to be billeted and assigned for work together, must be continuously guarded. The guards will be furnished:

- a) in state-owned factories (navy yards, railroads) by the guards regularly assigned to these establishments.
- b) in factories which have their own factory guards. By these guards, and additional forces of the professional security services.
- c) in other places by professional guards. As far as professional guards are not available, a special guard system as self-protecting agency is to be organized under supervision of the Gestapo Regional Hq.

The Gestapo Regional Hq. will supervise the guards as stated under b) and c). In the factories mentioned under a) the Constabulary Police provides executive personnel for the guards, to the utmost extent.

At the place of work the workers from the old territory of Soviet Russia are guarded by guards in scattered positions. Is this not possible in some cases because of lack of personnel, German foremen and workers from that particular place of work

are to be assigned and will carry a brassard with the inscription "Werksschutz" (Factory Guard), to be provided by the factory.

Once guard for approximately 20 to 30 workers from the old Soviet Russian territory should be appointed for the purpose of guarding the billets. Never, however, should only one single guard be on duty!

Responsible for the guard is the security agent - if there is none - the factory guard leader - if there is none - the factory leader and the camp commander. They are responsible to the State Police for the prevention of attempts to escape. Any negligence which might occur will be severely punished by the State Police. The enclosure and guards will therefore be arranged in such a way that attempts to escape will be useless.

The expenses for the guards - unless public officers are assigned - are to be borne by the factories. They will also furnish billets for the guards.

IV. Camp command and Camp Regulations.

As camp leader a person should be appointed who will be able to handle the job properly. The appointment is made by the political security agent (in factories without a political security agent the factory guard leader takes his place, if there is no factory guard leader, the factory leader) in cooperation with the district administration of the German Labor Front (DAF). The recall of the camp leader is also a job of the security agent, to be effected in cooperation with the DAF. Should the DAF desire the recall of a camp leader they will inform the State Police Office which will in turn make the necessary arrangements.

- 4 -

The camp leader is subordinated to the political security agent in all security matters, and matters pertaining to discipline and order. As far as the social care for the workers is concerned he is subordinated to the local office of the German Labor Front and will receive his orders directly from them. General directives of the DAF to the camp leader will go through the political security agent. General directives of the political security agent will also be brought to the attention of the local office of the DAF.

In cases in which police officials are in charge of the guards or are camp leaders, the competent Gestapo Regional Hq. will issue the necessary orders in cooperation with the DAF.

To guarantee uniform camp regulations, they will be published in cooperation with the DAF. A copy of the camp regulations will be issued to all factories employing Russian civilian workers, by the local offices of the DAF, made up in three languages.

The camp leader will regulate the duty of the guards in the camp, on the way to work and, if necessary, at the place of work. The leader is responsible for the carrying out of the decrees, for security, order and discipline in the camp and at the place of work. He has to supervise the work of the guards and will inspect them from time to time unexpectedly. If absent, he will appoint a deputy.

In important and basically important questions he will have to ask for a decision by the Gestapo Subregional Hq. (Branch Office) and to inform them about special events. Should a state of emergency, i.e. a danger for the security of the camp, arise, he will act independently, if necessary assisted by the Constabulary Police, if using the channels through the State Police would take up too much time. The guard personnel will

show the necessary reservation towards the workers and not quietly, seriously and determined. Nobody should commit acts of injustice or favoritism against individual prisoners. Any non-official, social contact with the Soviet Russian civilian workers is forbidden.

At the slightest sign of insubordination or disobedience resolute counter-measures should be taken and weapons should be used immediately in order to break up resistance. They should shoot at fleeing Russians with the definite intention to hit them. Otherwise, weapons should be used as prescribed in the regulations about the use of weapons for Police Officers. The guards will have to realize the special responsibility resting upon them for the security of the camp and the guarding of the inmates.

The guarantee of order and security always remains supreme law.

V. Control of Violations of discipline.

In the camp and at the place of work order and discipline will prevail. The workers will obey orders of the guards and the German personnel. Whoever does not obey orders or shows negligence in performing his work will be punished. The following punishments are possible:

1. disciplinary actions, as f.i. barracks orderly duty after working hours, excluding from privileges, etc.
2. transfer to penal companies
3. denial of hot food, up to three days a week.
4. detention up to three days.

Especially those workers who are careless or slow and do not listen to instructions are to be assigned to penal companies. All special privileges are to be withdrawn from these workers. They are to be treated with particular harshness. The factory will determine what work is to be assigned to the penal company.

The detention will be carried out in a cell, under denial of work, movement in the open and sleeping accommodations, as well as under limitation to water and bread.

The power of punishment rests with the political security agent resp. factory guard leader resp. factory leader. It is the task of the camp leader to assure the compliance with the camp regulations through his personal appearance. In case of smaller offenses against the discipline he can designate workers for specific jobs in the camp. In cases of more severe offenses he has to report to the political security agent - irrespective of his duty to act in case of danger by delay - who will initiate further actions according to the penalties provided under 1 - 4 above.

Grave violations of the discipline, insubordinations, acts, or attempts of sabotage, cases of sexual intercourse with German women and criminal offenses are to be reported immediately to the supervising Gestapo Sub-regional Hq. (Branch Office) Until further orders have been issued the respective worker (female worker) is to be held under arrest.

Excerpt from
the labor law card-index §26
10 June 1944
Breach of labor contract II G 3.)

(Page 17 of original)

.....

3.
Reports and applications for Return Transportation in case
of breaches of discipline.

Circular decree of the GSA (Plenipotentiary for Labor
Allocation) of 10 March 1944 (III G 1 5744/44; Reich Labor
Gazette, Vol. 10, p. I 138).

The Plenipotentiary for the Four Year Plan

The Plenipotentiary General for the Allocation of Labor

III G 1 No. 5744/44

Berlin, 10 March 1944

To

- a) The Presidents of the Gau Labor Offices and Reich
Labor Trustees,
- b) the Reich Trustee for the Civil Service,
- c) the Special Trustees of Labor and Labor for Home Work

Subject: Fight against breaches of discipline in the plants;
Reich: uniform regulation for reports and applications
for return transportation.

To clarify any doubts which might have arisen about
the question to which offices reports of plant managers on
breaches of labor contracts are to be forwarded and what agencies
are authorized to deal with the return transportation of
these workers, I make the following announcement:

Reports:

1) The reports against German subjects are to be forwarded by
the plant leaders to the Reich Labor Trustee, who will inform
the plant leaders of the result of the case. ... form for reports
has been recommended in the decree of the Plenipotentiary for
Labor Allocation of 12 August 1942 - III G 16352/42.

2) Reports against foreigners (including the citizens of the
Protectorate, Poles and Slovenes) as well as against workers
from the East, are to be made by the plant leaders to the
State Police branches which will inform the plant leaders
of the result of the case. In places where there are no State
Police branches,
there

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the plant leaders have to report breaches of labor contract to the local police authorities.

Only to rivermen guilty of a breach of labor contract the following provisions will apply:

- a) All breaches of labor contract committed by Dutch rivermen in the Rhine river area will be dealt with by the chief of the Duisburg Labor Office; reports are to be addressed to him.
- b) All breaches of labor contract in the Vistula navigation (Germans as well as foreigners) are to be dealt with by the chief of the District labor exchange for boatmen in the Vistula, Netze and Warta river areas in the office of the Gau Labor Office Danzig-West Prussia. To him the reports are, consequently, to be addressed.

For the rest, the labor offices receive, as delegates of the Reich Labor Trustee, only copies of the informations lodged against escaped foreigners. These copies are meant to serve, in the first place, purposes of allocation of labor and statistics. The labor offices, as delegates of the Reich Labor Trustee, are free, to prosecute themselves, in individual cases, the breach of the labor contract; they will, however, have therein to co-operate with the State Police branches, which in any case will have to conduct the investigations in case of a foreigner. Any originals of informations received by the delegates (not the copies) are to be forwarded to the State Police branches.

The plant leaders are to be instructed, to lodge individual informations in each case, and to refrain from making informations in a list, as this might delay investigations and render the searching more difficult. For the informations against foreigners there is no

(Page 19 of original)

Reich standard form available; thus, proceedings are to follow the forms existing in the individual State Police branches.

Furthermore, I point out that informations lodged as late as 4 weeks after the breach of labor contract has become known, or are addressed to non authorized offices, offer no prospect of a successful treatment. In order to make a purposeful research possible on the one hand, and to avoid taking superfluous measures on the other hand, reports of escapes are to be made immediately, in case of foreigners not returning from leave, not prior to six days after expiration of the leave granted.

Return Transportations.

1. Return transportations are carried out through the police stations.
2. The following provisions will apply to the return transportation of foreigners:
 - a) If the foreigner is in the Vistula area, he will be returned by the State Police branches.
 - b) If he has returned to his home country, return transportation is arranged only in exceptional cases by the same offices, i.e. in as far as specially skilled workers are involved or in case of a mass escape.

This restrictive measure has meanwhile been abolished by the Decree of the Reichsfuehrer SS of 30 November 1943, as far as France is concerned. The same extension is intended for the other occupied territories, particularly for Belgium, Northern France and the Netherlands. The reports from the plant leaders received by the Gestapo

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are no longer directed via the Reich - Security Main Office, but will go direct from the individual State Police branches to the Commander of the Security Police in the occupied territories, who conducts the investigations - if necessary, in co-operation with the offices of the Plenipotentiary General for Labor Allocation.

Applications for return transportation will, in most cases coincide with breaches of discipline in the plants. Therefore, there is no need for the plant leaders to apply separately for the return transportation, since the delegates of the Reich Labor Trustee will arrange for the return transportation on their own initiative, unless this demand has been expressly dropped in the information, or other facts show that the employment contract has come to an end in a regular way.

In view of the multiple tasks of the State Police it is imperative that the plants assist in the measures pertaining to the return transportation, either by intervention of the plant police or in another way, and arrange that the workers are picked up on their release from arrest or a reform camp. For this purpose the Reichsfuehrer SS and Chief of the German Police instructed the offices under his command by decree of 21 February 1944 - S IV B (for workers) - 50/44, to proceed with regard to the return transportation of foreign civil workers guilty of a breach of labor contract after their punitive detention in the disciplinary labor camp in the following way:

" As soon as the anticipated term of release is fixed, the plant

(Page 21 of original)

responsible for the original place of work is to be informed so as to enable it to pick the worker up by a delegate. If a plant manager refuses to pick the worker up - a warning to that effect is to be included in the request for the picking-up - the foreign worker liable to be released is to be sent to the labor office, in the area of jurisdiction of which the disciplinary labor camp is located; the labor office will then arrange for the return transportation or for a re-allocation of the worker."

If the labor office intends to make a re-allocation, it has to ask for the previous consent of the labor office responsible for the old place of work. This office, however will give its consent only when and if for particular reasons it does not attach great importance to the allocation in its own district. As a rule it will, however, insist on this allocation and arrange for the worker to be picked up by a delegate of the plant to which the worker guilty of breach of labor contract is to be re-allocated.

Sr: Mr. Simich

Excerpt from
the Labor Law Card Index 920
14.1.1944
Continuation "Your Contract Violation I"

III. Forms to be used for reports on contract violations.

....., on.....

To the Chief of the Labor Office as Delegate of the Reich
Trustee for Labor for the economic district.....

in

Subject: Offenses against working discipline committed by,....

.....
first name last name no

domiciled.....in the plant since.....employed as.....

married/single..children.....conscribed for labor: yes/no

bora on.....a disability:.....

in case of a juvenile: name and address of the parent, respec-
tively guardian:.....member of the Hitler youth/junior Hitler youth:
yes/no; last unit

1. He/she has on the following days/hours

a) absented from work on.....hours.....without due excuse

b) absented from work without adequate excuse (reason: why is
the excuse not credible, etc.) on.....hours.....
excuse put forward.....

2. Investigations made by the plant:

a) the employee has been visited in his quarters
on.....by.....found: yes/no ; if not: he, as found....
statement by person found.....

b) The medical certificate produced/inquiries at the sickness
insurance office show incapacitation for work for the following
days of absenteeism.....

3) Measures employed by the plant.

a) The confidential shop council dealt with the matter on.....
has taken the decision.....

b) warning - verbal/in writing on.....by.....
He/she was sensible and promised to mend his/her ways/
was obdurate and did not show any wish to improve

c) Charged on leave on.....days/.....

d) fines imposed on.....RM reasons.....
further fines on.....RM reasons.....

4) Result of these measures:

a) Absented again.....

b) as an excuse for his/her conduct He/she puts forward

c) these statements appear incorrect, because
(short result of the check-up and statement of facts

(Page 23 of original)

- 5.) Further measures that might be taken by the plant:
- a) warning to make a report to the authorities - dismissed with the consent of the labor office - other measure.
 - b) has a report to the authorities been made before....
(then, what authority, result, file number)

- 6.) For juveniles: The parents of the juvenile have been informed of the occurrence: yes/no

Talk with father/mother led to the following result.....

Since the measures taken by the plant are exhausted and remained without lasting success, I lodge an information for violation of working discipline.

I have made no report to other authorities.

.....
(Seal of the firm and address)

.....
signature of the
plant leader
or his deputy

21st meeting of the Central Planning Board, dated 30 October 1942
concerning: "Labor Commitment",

Page 16 "Speer: The question of slackers is also a point which we must discuss. LEY has ascertained that there, where there are plant physicians and where the people are examined by plant physicians, the sickness rate declines at once to one quarter or one fifth. - There is nothing to be said against the SS and Police taking drastic steps, and putting those known as slackers into concentration camp enterprises. There is no alternative. That only has to happen a few times, and the news will soon circulate.".....

Speer Document
No. 45 Spe.

Excerpt from the Fuehrer conference from
3 until 5 June 1944

Point 23: Pointed out to the Fuehrer that 30 to 40,000 workers
or prisoners of war who have escaped from industry as a
whole are seized by the police every month, and are then,
as concentration camp prisoners, employed with the SS
enterprises.

This would not be bearable for me, since these are
mostly trained or skilled workers who ought to be
reemployed as quickly as possible in their original
professions. I would not be able to endure a decrease
of 500,000 workers per year and these workers must
therefore also be allocated by me and/or Sauckel.
The more so, since these are to a large extent
painstakingly trained specialists.

Also in this connection the Fuehrer is willing to
take, after a discussion between Party comrades Himmler
and me, a decision in the sense suggested by me.

signed: Speer

A certified true excerpt:

Dr. Flaeckner
Attorney at Law.

E x c e r p t

from the Reich Law Gazette, Year 1940, Part I

Page 555:

Police Ordinance

concerning the marking of male and female civilian
workers who are Ethnic Poles and employed within
the Reich.

Dated 2 March 1940.

In virtue of the Decree concerning Police Ordinances of the
Reich Ministers dated 14 November 1938 (Reich Law Gazette I,
Page 1562) it is ordered as follows:

Section 1

(1) Male and female workers who are Ethnic Poles and who
are or will be employed within the Reich territory as civilian
workers have always to wear visibly a distinguishing mark
fixed at the right side of the chest of every dress they are
wearing.

(2) The mark consists of a 5 cm square to be worn in the
shape of a diamond and shows a 2½ cm high violet P on a
yellow ground with a violet border of ½ cm in breadth.

Section 2

(1) Whoever wilfully or negligently contravenes the
provisions of Section 1 will be punished with a fine up to 150 RM
or detention up to six weeks.

(2) Penal regulations providing a higher punishment and
security measures by the police remain unaffected.

Section 3

The legal and administrative regulations necessary for the
enforcement and execution of the Police Ordinance will be issued by
the Reichsfuehrer SS and Chief of the German Police in the Reich
Ministry of the Interior.

- 2 -

Section 4

The Ordinance applies to the territory of Greater Germany except for the Eastern territories incorporated into the Reich.

Section 5

The Ordinance comes into force three weeks after the date of its proclamation.

Berlin, 8 March 1940

The Reich Minister of the Interior

By

H. Himmler

Reich Law Gazette 1940

No. 50, Part I, page 513

Decree of the Fuehrer and Reich Chancellor
concerning the appointment of a Reich Minister for Ordnance,
dated 17 March 1940.

In order to unite all agencies dealing with the production
of arms and ammunition in Greater Germany as well as in the
Government General for the occupied Polish territory, for a
maximum achievement, I appoint a Reich Minister for Ordnance.

I appoint the Inspector General for the German Highway System,
Dr.-Ing. Todt, as Reich Minister for Ordnance.

I reserve the right to issue implementations.

Berlin, 17 March 1940

The Fuehrer and Reich Chancellor

Adolf Hitler

The Chairman

of the Ministerial Council for the Defense
of the Reich

Goering

Field Marshal

The Chief of the High Command of the Armed
Forces

Keitel

The Reich Minister and Chief of the Chancellery
of the Reich

Dr. Lammers.

Excerpt

from
The New German Reich Law
by Pfundtner-Seubert

Decree of the Fuehrer
for the Protection of Armament-Economy
dated 21 March 1942 (Reich Law Gazette I,
page 165).

.....
War essential requirements must be given absolute priority in the allocation of available manpower. The same applies to the distribution of raw materials, other materials and products essential for armament-economy. I therefore decree as follows:

Article I

(1) whoever intentionally makes false statements

1. on requirements or availability of manpower,
2. on requirements or stocks of raw materials, other materials, products, machines or equipment essential for armament-economy, and thereby endangers the procurement of supplies for armament-economy, will be punished with penal servitude and in particularly serious cases, which are of considerable detriment to armament-economy, with death. In addition, unlimited fines may be imposed as penalty.

(2) In less serious cases, the verdict is to call for imprisonment and unlimited fines, or for one of these penalties.

Article III.

(1) The People's Court is the competent authority for trying these cases. If the perpetrator is subject to Wehrmacht jurisdiction, the Supreme Military Court there is the competent authority in this instance.

.....

- 2 -

Excerpt from the news bulletin of the Reich Minister for Armament and Munition, series 1942, page 55:

Excerpt from the Decree of the Fuehrer to Plant Leaders (Betriebs-
fuehrer), dated 21 March 1942.

"In order to ~~facilitate~~ facilitate the armament plant leader's responsible task, I have directed the Reich Minister for Armament and Munition to undertake stringent measures for the further restriction and unification of the entire reporting system.

Simultaneously I have directed the Reich Minister for Armaments and Munition to simplify the quota system to the greatest possible extent - on the basis of an increased responsibility of industry itself.

By decree of 21 March 1942 and in order to furnish Reich agencies the security, which is indispensable for the allocation of materials, I have imposed most severe punishment for making false statements concerning requirements or strength of manpower and concerning requirements and available supplies of raw materials, other materials, machines and similar items.

Even without constant supervision, the German plant leader will consider the interests of the Reich in war-economy, as if they were his own.

With a minimum effort the maximum result has to be achieved.

All considerations, arising from personal interests or from the desire for peace, must be discarded.

I am confident, that the German plant leader will carry out the tasks put before him, which are decisive for the war, unselfishly and will fully utilize all his reserves.

- 3 -

Hoover disregards this trust and offends against the conduct expected of a plant leader, will be subjected to unrelenting, most severe punishment, because by so doing he has, of his own accord, excluded himself from the national community."

(signed:) "Adolf Hitler"

Excerpt from the Reports of the Reich Minister for Armament and Munitions, Issue 1942, page 169.

Excerpt from the Joint Decree issued by the Reich Minister for Armament and Munitions - G.Z.: 9077-168/I - and the Plenipotentiary General for Labor Allocation-G.Z.: 5550/850, dated 1 December 1942.

To the chairman

of the Armament Commissions, Armament Inspectorates and Armament Commands;

To the Presidents of the Regional Labor Offices and the Managers of the Labor Offices.

Subject: Co-operation in Labor Allocation for Armament Industry.

It is an indispensable prerequisite for the complete and punctual fulfillment of requirements in the armament sphere, that all departments involved work together as closely and with as much understanding as possible. - This necessity has been provided for from an organizational point of view, by the formation of Armament Commissions selected from the authorities and officials concerned with the problems of the armament economy and, based on the decree published by the Reichsmarschall of Greater Germany, dated 17 September 1942, the following points are laid down for the co-operation between the departments of the Reich Minister for Armament and Munitions and the departments of the Plenipotentiary General for Labor Allocation:

I. Central Functions.

Co-operation is to be established on the following basis:

1. In accordance with his over-all responsibility for the course of armament production, the Reich Minister for Armament and Munitions alone, decides the priority of armament orders and the urgency of labor allocations for the armament programs.

2. In as far as over-all quotas for the allocation of workers for individual armament programs have not already been established in the "Central Planning" - with the co-operation of the Plenipotentiary General for Labor Allocation - these will be ascertained by the Reich Minister for Armament and Munitions and the Plenipotentiary General for Labor Allocation will be informed; simultaneously lists of plants participating in the program will be supplied. In special cases allocation figures for the individual plants, which have been established in the central office, will be transmitted. (Red tickets procedure - Rotsattelverfahren).....
4. The supply and direction of manpower, according to the requirements of the armament economy as laid down by the Reich Minister for Armament and Munitions, are dealt with by the Plenipotentiary General for Labor Allocation in accordance with the responsibility he bears for the entire allocation of labor.
5. The Plenipotentiary General for Labor Allocation issues the necessary instructions to his subordinate departments for the allocation of labor, and directs the workers available, taking into consideration the varying extent to which the individual plants are charged with armament orders and other war important tasks.

II. Regional Functions.

1. The chairmen of the armament Commissions decide all questions of degree of urgency which arise in the armament sphere regionally.....
3. The Armament Allocation Offices will, furthermore, hold a decisive position in all cases where the starting of armament production is to any great extent affected by measures taken by the labor allocation offices, and in all cases where their intervention will promote the rational allocation of manpower in the armament plants. (Section III, paragraph 2).
4. The district Labor Allocation Offices are to follow the instructions of the Plenipotentiary General for Labor allocation when meeting the

- 3 -

requirements of the armament industry. They are to examine the normal requirements of which they are to be informed by the armament plants, check them against the requirement figures which are, if necessary, furnished by the central office, and draw up a plan to cover this, taking into consideration, however, all manpower reserves which could be obtained locally.

They are to inform the central office if estimates of requirements which have been listed according to type and extent, prove to be incorrect; or if the impression is gained that plants are not following the order to increase their personnel.

The allocation of labor - which has become available through a reduction in the centrally established labor requirements - to other armament plants having priority orders, is decided by the chairman of the Armament Commission.

The Labor Allocation Offices are to see to the immediate employment of manpower available locally and reserves made available by the Plenipotentiary General for Labor Allocation.

.....

signed: Sauckel

signed: Speer

Excerpt from the Reports of the Reich Minister for Armament and Munitions,
Issue 1942, page 171.

Excerpt from the Decree of the Reich Minister for Armament and Munitions
dated 1 December 1942 - 9077 - 168/I (2nd supplement) issued to the
Chairmen of the Armament Commissions, the Armament Inspectorates and the
Armament Commands.

Subject: Direction of Labor Allocation in Industrial War Economy, especial-
ly in the Armament Industry.

In view of the general situation in armament economy the labor
allocation in that field needs to be uniformly directed and regulated
as far as the industrial war economy is concerned and especially the
armament industry.

Together with Gauleiter Sauckel, the Plenipotentiary General for
Labor Allocation, I have, therefore, laid down basic regulations for
departments at the intermediate level, which I am bringing to the notice
of the chairman of the Armament Commissions as well as the Armament Commands
and the Armament Inspectorates, by the issue of the attached decree.

In order to bring into line and co-ordinate the departments under
my authority I decree the following:

II. Functions of my Departments in the Central Office

1. The armaments Department (Office Gr. + Labor Allocation) is responsible
for:
 - a) The co-ordination of the requests which applicants from the industrial
war economy submit to the Plenipotentiary General for Labor Allocation;
 - b) ascertaining the total requirements in the districts from the armament
allocation offices, based on the employment reports, and by making
use of the requirement records of the Plenipotentiary General for
Labor Allocation.

- 2 -

- c) Establishing - in co-operation with the Armament Supply Office - allocation figures for the various applicants, based on the number of workers available as established by the Plenipotentiary General for Labor Allocation;
 - d) determining, in co-operation with the Armament Supply Office and the Technical Office, the priority allocation for manpower, following my instructions;
 - e) informing the Plenipotentiary General for Labor Allocation, as well as my departments at the intermediate level of any alterations of priority and other basic questions of industrial war economy, in as far as they affect labor allocation.
2. Through committees, rings and other applicants the Armament Supply Office ascertains the firms participating in the program and as far as it is necessary, their requirements, (Plenipotentiary General for Labor Allocation to be informed by the Armaments Department). By these means the manpower needs for programs designated by the Fuehrer as particularly urgent, especially the three parts of the Wehrmacht are primarily registered.
- III. The Functions of my departments at the Intermediate level.
1. It is the task of the Armament Allocation Offices to come to an agreement with the Labor Allocation Offices regarding the needs of the various districts. (compare II, section 1b).
 2. At the intermediate level it is the Armament Allocation Offices who are responsible for representing the manpower demands of the programs under my jurisdiction at the Regional Labor Offices and the Labor Offices.
 3. All questions of priority, as far as armaments are concerned, and which occur regionally, are to be decided by the Chairman of the Armament Commission.

4. The Chairman of the Armament Commission decides furthermore on the allocation of the workers who have become available owing to a reduction in the centrally established labor requirements.
5. It is the task of the Armament allocation Offices to ensure that for the examination of plants under the jurisdiction of the Wehrmacht the competent representative of the Wehrmacht section involved (Army, Navy, Air Force, Administration) is invited by the Head of the Examining Committee to attend; or, in the case of plants under the jurisdiction of the State Economic Office a representative of the office in question is consulted. If it is requested, a representative of the Military District official or the armament commissioner (Ruestungsobmann) are also to be asked to participate.
6. The committees and rings are to make use of their district officials for ascertaining manpower needs, the latter are to keep in close touch with the Armament allocation Offices.
7. In special cases wishes and suggestions made by the plants, the fulfillment of which is necessary for the accomplishment of the program under my jurisdiction and which cannot be arranged by the district authorities, can be communicated to the Armament Supply Office by the district officials via the committees and rings.....

signed: Spoor.

Excerpt from the Reports of the Reich Minister for
Armament and Munitions, Issue 1943, Page 207.

Excerpt from the Address given by Reich Minister SPERR
at the Meeting of the Reich Chamber for Labor in Berlin
on 29 January 1943.

In his New Year proclamation the Fuehrer has declared
that in the year 1943 he expects and must demand from the German
armament industry an extraordinary increase in output

The manpower required for the extension of our production
must therefore be newly provided by the German people, and must
pour into the factories in great quantities.

To attain this it is above all necessary that the
entire community supports the armament industry in every way,
and that all productions which can still in any way ^{be} dispensed
with are cancelled, and that our whole standard of living becomes
more in keeping with the necessities of war than ever before.

The fulfilment of these requirements
is a decisive factor in the further
increase of production in the
year 1943.

Therefore, every reserve of manpower still existing among
the German people must now be drawn into our armament program
so that the great production target for 1943 which the Fuehrer has
fixed may actually be reached.

Reich Legal Gazette 1943

Part I, Page 529 - 530,

Decree of the Fuehrer regarding concentration of
war economy. Dated 2 September 1943.

With regard to a better concentration and unified employment
of all economic forces necessitated by the demands of war, I decree
for the duration of war as follows:

Section 1

The Reich Minister of Economics is competent for basic
questions of economic policy in the German economy.

Section 2

The competences of the Reich Minister of Economics on the
sector of raw material and production in trade and industry are
transferred to the Reich Minister for Armament and Ammunition. Due
to his extended sphere of tasks, the Reich Minister for Armament
and Ammunition will carry the title

"Reich Minister for Armament and War Production"

Section 3

(1) The Reich Minister of Economics remains in charge of the
civilian populations supply with consumer goods and control of
its distribution.

(2) The Reich Minister of Economics is competent for the raw material sector and production in trade and industry and on the sector of commerce for questions concerning economic foreign policy within the framework of the Reich foreign policy.

(3) Furthermore he will have to take care of the maintenance of economic perspectives within the framework of the entire German economic planning and the respective alignment of German economy.

(4) The Reich Minister of Foreign Affairs remains competent for the foreign trade policy of the Reich and for the preparation and direction of the negotiations of the foreign trade policy.

Section 4

(1) The Reich Minister of Economics carries highest authority for the supervision of credit institutes. Supervisory or administrative rights, due to subordinate Reich and Regional authorities according to law or statute, are transferred to him. He transfers these supervisory or administrative authorities to the subordinate authorities, in so far as they do not have to be attended to by him personally for special reasons.

(2) He is competent for questions pertaining to the financing of the German economy.

Section 5

The competences of the Reichsmarschall for the Greater German Reich as Plenipotentiary for the Four Year Plan remain unimpaired.

Section 6

This decree applies to the territory of the Greater German Reich, including its annexed Eastern territories and the Protectorate. The Reich Minister for Armament and War Production is also competent for the raw material sector and production of trade and industry in the Protectorate.

Section 7

The legal and administrative implementations and supplementations necessary for Sections 2, 3 and 4, will be decreed in regard to Section 2 by the Reich Minister for Armament and War Production jointly with the Reich Minister of Economics; regarding Sections 3 and 4 by the Reich Minister of Economics in collaboration with the Reich Ministers concerned.

Fuehrer Headquarters, 2 September 1943

The Fuehrer

signed: Adolf Hitler

The Reich Minister and Chief of the Reich Chancery

signed: Dr. Lammers

True and correct copy of the above document hereby certified.

Muenberg, 4 February 1948

signed: Dr. Hellmuth B i x

Defense Counsel

Reich Legal Gazette 1943

Part I, Page 531 - 532.

First implementation order to the Fuehrer Decree.

Regarding Concentration of the War Economy.

Dated 6 September 1943.

In accordance with Section 7 of the Fuehrer Decree Regarding Concentration of the War Economy, dated 2 September 1943 (Reich Legal Gazette I, Page 529), it is decreed:

Section 1

- (1) In so far as the competence of the Reich Minister of Economics for the control of commercial trade is based on legal regulations, these authorities will ^{be} exercised by the Reich Minister for Armament and War Production for the duration of war.
- (2) This does not apply to regulations for the control of consumption of consumer goods, general regulations concerning commerce, handicraft and trade and Kartell legislation.

Section 2

Competent quarters (authorities, self administration organs, consolidations and others) receive their technical directions regarding questions of production of commercial wares from the Reich Minister for Armament and War Production, in questions regarding the distribution of consumer goods to the civilian population from the Reich Minister of Economics.

Section 3

The sphere of tasks of agencies so far entrusted with rationing tasks within the Reich Minister of Economics sphere of competence (for instance Reich agency, Reich associations etc.) will be re-organised with regard to authority to direct the production by directives of the Reich Minister for Armament and War Production. These agencies will carry on their activity as before, until these directives are issued.

Section 4

Within the framework of the competency of the Reich Minister of Economics in the sector of foreign trade and in questions of control of the distribution of ²consumer goods to the civilian population the Reich agencies and Reich associations are subject to technical directives of the Reich Minister of Economics, as to others they will receive their directives from the ³General Plenipotentiary for Questions of Armament.

Section 5

Reorganisation of district agencies, aiming at concentration and simplification of administration will be ordered by special decree.

Section 6

Reich agencies and organisations of industrial economy are furtheron subject to the supervising authority of the Reich Minister of Economics. In so far as the appointment to or recall from leading positions is reserved to the Reich Minister of Economics

by law or decree, he exercises this authority in agreement
with the Reich Minister for Armament and War Production.

Section 7

The provisions of Sections 1, 2, and 4, will go into
effect on 1 November 1943, if no other provisions are made.

Berlin, 6 September 1943

The Reich Minister of Economics

signed: Walter Funk

The Reich Minister

for Armament and War Production

signed: Speer

True and correct copy of the above document is hereby
certified.

Munich, 4 February 1948

signed: Dr. Helmut Dix

Defense Counsel

Excerpts from the decree of the Reich Minister for Armament and War Production concerning the allocation of tasks in war economy, dated 22 October 1943 ZA/Org. 9000/2-174.

The fulfillment of the growing claims of the war upon industry requires a strict and uniform planning and regulation of the demands and production. Pursuant to Article 7 of the Decree concerning the Concentration of War Economy of 2 September 1943 in connection with the Decree of the Reichsmarschall of Greater Germany and Plenipotentiary General for the Four Year Plan concerning Central Planning of 22 April 1942 (V.P. 6707 (-Vier-Jahresplan 607) supplemented by the Decree of 4 September 1943 (V.P. 1129/1), the Fuehrer has given me the possibility to conduct the entire war-production in a uniform manner. According to this decree, I am competent and responsible as Reich Minister for Armament and War Production, for the control, steering and implementation of the production of industrial war-economy.

The aim of all measures can only be an further increase in armament production. This concentration of the war economy will also simplify the procedure of giving orders. With this I have the intention to use, as far as possible, the already existing efficient organizations, to avoid the creation of new offices, to eliminate overlapping authorities as far as this has not been effected by this decree - only from case to case and, principally, not to commit myself to systematical fundamental decrees which might perhaps be in the right direction but dangerous for the diversity of the entire war economy by the doctrinaire wording of their text.

I therefore give the following order - also in my capacity as Plenipotentiary General in charge of armament tasks within the Four Year Plan - to the various authorities concerned with war economy.

- 2 -

I

Distribution of tasks in the Reich Ministry of Armament and War
Production

Due to the expansion in the scope of tasks, it was necessary
to reorganize and, in part, to newly organize the Reich
Ministry of Armament and War Production.

In future, the tasks of the Reich Ministry of Armament and
War Production will be subdivided into three large groups, namely:

1. Tasks concerning Coordination,
2. Tasks concerning production,
3. Cross-cutting tasks.

2. Tasks concerning production. The total range of
production is divided into 6 main production areas, whereby each main
production area corresponds to one office.

These offices are the administrative departments for the
subordinate independent and self-administrative agencies (see II)
in connection with the direction and safeguarding of production, in
their charge. They supervise technically the subordinate independent
self-administrative agencies, they take care of an intensive
execution of the tasks assigned to them and, whenever necessary,
become responsible for the fulfilment of the production program
in their dealings with other authorities (Labor
allocation, communications and energy).

Accordingly the tasks are distributed as follows:

- a) The Raw Material Agency,

controlled by President KEHRLE, is competent for:
Coal

- 3 -

Attached to the raw material agency are:

Reich Association Coal (Reichsvereinigung Kohle),

b) The Armament Supply Office.

controlled by Staatsrat Dr. SCHNEIDER, is competent for:

Production of iron, Products of rolling mills, Iron and metal

Castings

Forgings

Material refinement

Machine elements

Attached to the armament supply office are:

Reich Association Iron (Reichsvereinigung Eisen)

Main cartel Iron Production

Main cartel Products of Rolling Mills

Armament Trade

Main cartel Iron and Metal Castings

Main cartel Forgings

Main cartel Material Refinement

Main cartel Machine Refinement

Main cartel Machine Elements.

The Armament Supply Office is exclusively responsible for supplies for the aircraft production program, which has been drawn up in concert with us.

d) The Technical Agency for Armament Completion,

controlled by Hauptdienstleiter Sauer, is competent for:

Weapons

Ammunition

Armored Cars

Motor Vehicles
Rail Vehicles
Ship Building

Torpedoes

Attached to the Technical Agency are:

Main committee Weapons
Main committee Ammunition
Main committee Armored Cars
Main committee Motor Vehicles
Main committee Rail Vehicles
Main committee Ship Building

The Reich Air Minister, Genralluftzeugmeister, who is decisively supported by the Technical Agency in carrying out his tasks, continues to be responsible for the completion of aircraft production.

....

3. Cross-section tasks. Besides issuing orders from the highest authorities to the subordinate agencies with regard to production questions, carried out by the 6 production offices of the ministry, there is, in view of the complicated structure of economic life, a multitude of tasks, which require special knowledge and which are performed in unison by all offices as cross-section tasks ...

The tasks to be performed by the offices mentioned below, are, in particular, as follows:
a) The Planning Office at the G² (Elevenpotentary General) Armament...
b) The Armament Office

headed by Generalleutnant Dr. Ing. e.h. WAGNER:

Safeguarding the armament and war production with respect to
personal and material, primarily in the fields:

Allocation of labor

Labor regulations.

....

c) Technical office

headed by Hauptdienstleiter Sauer

Technical increase in output of all goods of production and
armament.

....

d) The Armament Supply Office

under the direction of Stabsarzt Dr. Schieber;

Planning, Balancing (Regulating) and Application of basic production
materials

Direction of orders for iron and steel.

.....

II.

Tasks of the main committees and main cartels as well as the
economic and technical groups.

Supplementing and, partly, altering my Decree of 20 April 1942
concerning the competence and the Business Rules of independent
agencies (committees and cartels) in the armament industry, I herewith
decree the following:

1. Committees and cartels as well as economic and technical groups

which I commissioned therewith by individual decrees, are, by transfer
of the proper authorization, to the fullest extent, and
exclusively responsible - according to the trade regulations -
(a. II, 5) - for the planning of production and the fulfillment of
the scheduled quotas.

2. To direct production independently, in the field of armament production
proper and in dealing with supplies for this purpose, I exclusively

avail myself of committees and cartels, which are authorized, in all
questions concerning the planning and direction of production and
questions dealing with the increase

- 5 -

in manufacture to issue instructions to groups of industrial organizations, in as far as such groups exist in their sphere of production...

5. Based on the commodity exchange regulations I transfer to the main committees and main cartels, which are held responsible under my control, and to the economic and technical groups, to be named individually, the right to issue directives prohibiting manufacture and establishment, directives dealing with standardization as well as the staffing of plants and methods of production. The main committees and main cartels are able to pass on these tasks only to their special committees.

6. The programs for armament and war production which I set up following a proposal of the competent offices are to form the basis for production.

7. The plants will receive the orders exclusively from the respective agencies in accordance with the production schedule of the competent committees and riggs respectively from the groups charged by me.

....

11. The main committees and main cartels and the groups of the economic organizations, so far as I charge them with directing the production, as my executive organs, are charged with the task of reaching their quotas in their sphere of industry, as set out by me, with as little expense as possible.

12. The main committees and main cartels and the production committees in the economic and technical groups are, in general, engaged in the following tasks:

d) Functions concerning the plant:

1. Restriction on type program
2. Setting up of production programs in plants

- 7 -

3. Concentration of production
4. Capacity cuts and expansion
5. Staffing of plants
6. Repair of bomb damages
7. Transfer of production
8. Supervision of production
9. Ascertainment and request for manpower, transfer of laborers within the plant.

....

13. The economic and technical groups are entrusted with two tasks.

- a) Assisting the committees and cartels in their tasks, as far as they have not been charged by the committees and cart^{ls} with other tasks - according to 11/3. These auxiliary functions are carried out by them on instructions from and on behalf of the committees and cartels which issue these directives. They are not to operate independently in this field.

....

- b) General national economic functions, exercised by the technical and economic groups as independent administrative agencies of economy and as acting agencies of the Reich Minister of Economics and other supreme Reich authorities.

....

In accordance with a decree of the Reich Minister of Justice, issued in agreement with me, we are concerned with the following:

....

14. Advising and caring for members in general economic questions.

....

IV.

The task of the intermediary agencies.

3. The future tasks of the members of the armament commissions are enumerated individually in the following, replacing thereby the distribution of tasks, according to my first implementation order of 10 October 1942 for the application of the decree of 17 September 1942 of the Reich Marshal of Greater Germany and Plenipotentiary for the Four Year Plan.

a) The chairman of the armament commissions, within their range of activity, have to direct uniformly all agencies engaged in tasks of war economy and to issue such instructions to the members of the armament commissions as are necessary to achieve a smooth maximum output of armament and war production in the intermediary agencies.

b) The Armament inspectorates and armament commands are my branch offices. They know every detail about all armament factories within their district and their position with regard to orders and manpower. They are in charge of the entire armament industry, including the important contractors and sub-contractors, the powder and explosives industry as well as other plants, which play an important role for the armament industry. The control covers the checking of the demands of the plants, resulting from the production tasks, and the representing of these demands resulting therefrom in dealing with other offices, which play an active part in the field of labor allocation, transport and communications, supply of production stock (plant equipment, machinery, tools, devices, gauges) and plant maintenance (coal, energy, fuel, etc.).

The armament offices regulate the distribution of orders, plant and production transfers including expansions of capacity and the billets required for laborers. They survey the execution of all army orders until they are ready for delivery and, in agreement with the armament, respectively district deputy of the committees and ^{cartels}. They see to it, that the priority quota of army orders is observed, respectively, that special instructions, individually issued by me, are, in case of need, complied with by means of temporary decisions. ...

They supervise the allocation of labor and the proper consumption of raw materials on quota, plant maintenance, coal, energy etc. in the plants of which they are in charge.

...

They cooperate in the maintenance of industry protection (Plant air raid precaution, military and police protection, plant protection (Werkschutz) and plant fire protection) as well as in counter intelligence matters in the sphere of war important plants.

....

They work in close contact with the military district deputies (Wehrkreisbeauftragte) and the armament, respectively, area deputies of the committees and cartels.

c) The military district deputy, as my representative, is responsible for the execution of the key programs of the technical office in the intermediary agency. ...

The Gau offices for Technik in unison with the district deputies of the committees and ^{cartels}, which are included in the National Socialist Technical League (NS Bund Deutscher Technik) serve him as instrument in carrying out his tasks. ...

d) The armament commissioner, within the range of the offices for the allocation of army orders and the district commissioners within the range of the Reich defense commissioners represent the tasks of the committees, ^{cartels} and groups. They take the necessary measures in connection with increase of capacity and rationalization, particularly with regard to completion of the production programs of the plants.

- 10 -

- c) The building delegates have to carry out the instructions of the building office in the districts of the armament inspectorate and to make sure, that the regulations concerning the direction of building operations are being observed. The Gau deputies are to assist the delegates in the performance of their duties.

- d) The Gau labor offices and the offices subordinate to them have the following tasks:

They are responsible for the entire labor allocation in the armament industry. The Gau labor offices have to provide for manpower in accordance with the demands of the armament offices. The Gau labor offices will transfer labor to bottlenecks, furnish and allocate foreign labor and also see to the allocation of prisoners of war.

Objections raised by plants against measures taken by the labor offices must be brought before the competent office by the Gau labor offices. If no joint agreement can be reached, the decision of the armament commission is final.

V. Final remarks.

3. Every one, during the next months, will more than be busy with his own task and should, therefore, use all his strength and energy for thoroughly and consciously performing his own duties, without attempting to extend his task or to participate in tasks, - that time wasting his own time or of his colleagues - which can and must be carried out without his assistance. Only strict adherence to these guiding principles will gradually remove the uncertainty existing on the part of plant managers and offices, in cases when they do not know to which authority they are to refer in a certain matter.

Berlin, 29 October 1942

signed: SPEER

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Distribution.

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Excerpt from the Reports of the Reich Minister for Armaments and Munitions, Issue 1943, page 269,

Decree issued on 24 June 1943 to the Plant Leaders in the German Armament Economy,

....

For the mobilization of labor reserves therefore, and in agreement with the Plenipotentiary General for Labor Allocation, labor engineers will be employed, who will have the confidence of the plant leader and be responsible for their work not only to him but also to the chairman of the Armament Commission.

Among other things it will be their function to examine the possibilities of economizing in manpower, to transfer displaced skilled workers, to see to the strict management of the night shifts, as considerable production reserves are still available there, to arrange for the allocation of conscripted workers and of those maimed by war, they are to examine the possibilities of suitable employment of unskilled and foreign labor and, if necessary, to support to the best of their ability co-ordination and exchange of experiences independently of their particular plant, as ordered by the chairman of the Armament Commission.

The labor allocation engineers are furthermore responsible for ensuring that the rationalization schemes carried out by the various committees and cartels have the desired effect in all manufacturing branches of the individual works, including their subsidiary plants; as regards labor Allocation.

The labor allocation engineers are to execute this task in closest co-operation with the armament commissioner (Ruestungsbeamten), freely and independent from plant interests, and from the point of view of the most economical and rational allocation of manpower.

- 2 -

In all cases where decisions made by labor allocation engineers who were employed at the suggestion of the plant, do not take into consideration the requirements of the present labor supply situation, these engineers will be relentlessly dismissed and replaced by suitable substitutes from other plants or from my offices.

The service directives for labor allocation engineers will be issued separately.

signed SPEER

Excerpt from Document 4006 - PS

4006-PS

The Reich Minister

for Armaments and War Production

The Plenipotentiary General

for Labor Allocation.

Berlin, 22 June 1944.

CO-OPERATION BETWEEN THE PLENIPOTENTIARY GENERAL
FOR LABOR ALLOCATION AND THE REICH MINISTER FOR
ARMAMENTS AND WAR PRODUCTION.

The Reichminister for Armaments and War production and the
Plenipotentiary General for Labor Allocation have agreed
to ensure a still closer co-operation between their departments
in order, by this means, to be able to meet the increased
demands of armaments and war production in all spheres.

The chairman of the Armament Commissions and the members of
the Armament Commission have the common task of ensuring that all
measures necessary for this are taken, and are brought into line
with the rest of the demands of armament production. The Reich
minister for Armaments and War Production and the Plenipotentiary
General for Labor Allocation will continuously issue joint
directives applicable to labor allocation questions in the
field of armaments and war production.

The man-power available for the entire armament and war
production program, is to be employed according to the
principles of the most rational allocation of labor, based on instructions
issued by the central office or based on the decisions of the
chairman of the Armament Commission.

It is the duty of the President of the Gen Labor Office to carry out without delay the decisions made by the Chairman of the Armament Commission in all cases concerning examination of requirements, acknowledgement of requirements and transfer of workers. In cases where he believes that as a result of basic considerations in respect of the allocation of labor, the decision which has been made is unsuitable, he is to make a report to the Plenipotentiary General for Labor Allocation, which is to have, however, no delaying effect on the carrying out of the decision made by the Chairman of the Armament Commission.

The Plenipotentiary General of Labor Allocation will bring these cases to the notice of the Reichminister for Armaments and War Production and ask for a decision.

The Reichminister for Armament
and Munitions

signed: SPEER

The Plenipotentiary General for Labor
Allocation

signed: SAUCKEL

.....
IMPLEMENTATION DECREE

- 3 -

IMPLEMENTATION DECREE

To the agreement of 22 June 1944 on co-operation between
the Plenipotentiary General for Labor Allocation and the
Reich Minister for Armament and War Production
dated 21 August 1944.

In order to promote the allocation of labor in the best
possible way in industrial war economy, especially the armament
branch, the following directions for implementation are given
on the basis of the common agreements of 22 June 1944:

.....

4.) The Armament Allocation Offices will inform the offices
of administration of labor allocation of priority-changes
which make it possible to suspend manufacturing tasks and to make
man-power available.

In making full use of the priority changes for armaments,
the labor allocation offices are bound by the decisions of the
chairman of the armament commission.

.....

6.) As to fundamental questions of the allocation of labor of
special significance for the promotion of armaments (mobilization
of manpower taken from groups of persons and populations hitherto
unemployed, the allocation of disabled soldiers,
schoolchildren, German nationals, families, prisoners,

concentration-camp inmates) both offices have to examine
together in which way directives given by central offices can be
carried out to

bring the best possible results in the districts. Wherever there are difficulties in a plant for the employment of special groups of people, the Armament Allocation Offices have to remove the obstacles with all the necessary means. They also have to promote in ^{every} respect the creation of appropriate working conditions for the employment of persons who are not entirely fit straight away.

.....

Berlin, 21 August 1944

signed: SAUCKEL

signed: SPEER

Excerpt from the News Bulletin of the Reich Minister for
Armaments and Munitions Year 1943, Page 211.

c

RESPONSIBILITY OF THE LEADERS OF COMMITTEES AND CARTELS.

In an appeal to the leaders of Committees and Cartels
the Reichminister for Armaments and Munitions in May 1942
(see News Bulletin 1942, page 16) expressed the expectation,
that the leaders will fulfil their tasks by orders to
industry. This task of leadership calls for severity. To support
the leaders of Committees and Cartels in their task, notice is given of the
following Circular of a Committee - leader to his special Committees:

"Lately I have received several communications from firms
complaining that the Leaders of the special
committee treated the supplier too severely and demanded
the impossible according to their opinion.

This, to me, serves as an indication that they have fully
realized the seriousness of the situation. At the present moment,
when our fighting forces accomplish the most extraordinary achievements,
it is our bounden duty to do the same and more.

I expect that you, in future, will deal even more rigorously
with the firms and, in doing so, actually produce the required
output in spite of conscription - drives and so on. You can rest
assured, that I shall not only uphold but support any measures
even the most severe ones, which you may take with regard to the
firms, in order to put into effect an increase in output. I beg
you to instruct your production managers accordingly."

S t a t e m e n t

I, Erich Fikentscher, 56 years of age, residing in Augsburg, Pertheimstr. 24, know that I render myself liable to punishment ~~if~~

if I give false testimony. I declare that my statement conforms to the truth and is made according to my best knowledge and belief as evidence for the Military Tribunal, Palace of Justice, Wuerzburg.

From September 1942 till January 1944 I was commander of the Regional Armament Office (Ruestungskommando) Hamburg, and from 1944 till March 1945 of the Regional Armament Office Essen. My last service rank was that of Naval Captain.

The duties of a Regional Armament Office were established in a decree of the Reich Minister for Ordnance (elastic decree - Kautschukerlass) issued, as far as I remember, in the fall of 1943, and consisted in their main aspects of the following:

- 1.) Collective representation of the different branches of the Wehrmacht, of the Armament Supply Office, and of the Reich Minister for Ordnance, in all problems of armament-economy, when dealing with enterprises, official agencies and offices of the district.
- 2.) Supervision of plants in regard to problems of manufacture, supervision and storage of manufactures, solving of difficulties arising in production, negotiations with recruiting offices, war-essential jobs, protection against induction of key-personnel into the forces, participation in labor allocation to armament industry, control of labor allocation.
- 3.) Problems of transportation and traffic, control of motor vehicles and fuel.
- 4.) Technical duties, such as ensuring the supply of materials required for the operation of plants (raw materials, power), transfer of plants and of orders, technical problems, repair of war

- 2 -

damage suffered by plants, air-raid damage quotas, priority status of programs, plant analysis and personnel policy, proposals to classify plants as being W-plants (control of the Wehrmacht), transfer of orders into occupied territories.

The armament agencies were not directly charged with the allocation of orders to the plants. These orders were distributed rather to the plants directly by the ordnance offices of the high commands (Waffenämter der Oberkommandos), and later by the Main Committees of the Armament Ministry and the cartels to the plants. As a matter of course, the technical means of the respective plant had previously been inspected.

The attitude taken by industry towards ordnance orders changed in the course of the war. At first, most of the firms were quite willing to accept orders which did not involve a too considerable reorganization of the plant. Approximately from 1942 onwards, this attitude changed. The firms for the following reasons objected in a constantly increasing measure to new orders. First of all, they did not like to see themselves cut off more and more from what was left to them of peacetime production. Furthermore, without exception, they were strained to the limit of their capacity, and therefore with an increase of production they had to face almost insoluble tasks when trying to meet technical requirements and personnel questions. If there had been free economy, it would have been impossible in many cases, after 1942, but also before then, to place ordnance orders. Consequently these had to be forcibly imposed by the State. As far as I know, this state of affairs applied in all countries at war. I refer to the fact that, as far as I know, Henry FORD^{too,} was induced against his will to reorganize a large part of his production in favor of war orders, I do not wish to convey hereby, that the industrialists only acted under duress. Of course, most of them were probably prompted by a sentiment of patriotic duty.

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as in all countries at war, to contribute their part towards preventing a defeat.

As soon as a plant received orders to increase production, it reported the resulting requirements of raw materials, machines and manpower to the authorized agencies. In addition, requirements for additional manpower had to be reported in the case of loss of personnel due to Wehrmacht conscription.

The procedure, under which manpower was requisitioned, changed during the course of the war. Approximately from 1942 onwards, it worked as follows: The plant reported its manpower requirements simultaneously to the Regional Armament Office, to the Labor Office and to the authorized committee or cartel (Ring). The Regional Armament Office had a branch for war-essential jobs and manpower allocation. This branch checked the manpower requirement according to number and priority, provided it with a suitable priority symbol and passed it on to the Labor Office. Particularly essential production was temporarily safeguarded against loss of manpower. The Armament Ministry established general rules for priority grades. Originally there existed only the priority grades 1, 2 and 3. Gradually higher priority grades were added, which were designated either by a symbol, as for example, A, B or S, or had special codenames, as for example Jagdprogramm. (Fighter^{program}) Based on the notification received from the Regional Armament Office, the Labor Office issued red number slips for the individual plants, and on basis of these numbers, workers, if available, were allocated to the plants concerned. The Labor Office reported to the Plenipotentiary General for Labor Allocation if requirements could not be covered.

The Regional Armament Office was guided in its decisions solely by the number and professional suitability of the workers. According to my knowledge, neither the plants nor the Labor Offices requisitioned any certain nationalities from the Plenipotentiary for Labor Allocation, but only certain numbers, subdivided into skilled, semi-skilled and unskilled workers. For the sake of uniformity, - 76 -

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a certain nationality may have been requested, because the same nationality was already being employed. In order to ensure the smooth operation of manpower requisitions, conferences were held in the district of the Regional Armament Office Essen, approximately once every month, between the Regional Armament Office and the Labor Office, mostly under the chairmanship of the Wehrkreis representative. The firms did not participate in these discussions.

Approximately from 1943 onwards, i.e. after the end of the ^{and} campaigns in Poland/in France, a large number of French and Russian workers had come into Reich territory on a voluntary basis of recruitment and subsequently became liable for compulsory service. This procedure was not an unusual one in Germany, because for years, also prior to the war, German workers had been recruited and allocated for labor either within Germany or abroad, wherever they were needed.

These last few days I just heard from the former Colonel SCHLOSSBERGER, Augsburg, Kaiserstr. 27, that in Wittenberg even non-commissioned French officers, who were given the choice to work in armament industry, volunteered for this work to obtain greater freedom and better food. As a matter of fact, as a soldier I used to view these things primarily from the military point of view, and I know that our enemies used to judge their own measures from the same aspects.

If I may be permitted to say so, I had at my disposal, at that time, certain calculations by an Englishman, published in an English trade journal, on the subject of "Profitableness of Aerial Warfare". It was computed there, that one ton of bombs dropped requires 2000 working hours, including the amount of work put into it for the construction of the airplane and for its transportation to the target and allowing for a loss of 5% of the airplanes used. On the other hand, one ton of bombs dropped causes destruction equal to 10,000 working hours. According to this, aerial warfare would become unprofitable if the quota of losses of airplanes amounted to 25%, because at that stage, the number of

- 5 -

working hours used on both sides were equal. It appeared and still appears so to me, that, in view of this absolutely decisive significance of working hours spent, i.e. human labor, it is imperative in war to utilize all available reserves. After all, we were facing a total war, as America has never known it, and it was a question of saving the lives of our women and children, who, if they were not burnt by phosphor in aerial warfare, ^{are} now being decimated by starvation. According to my knowledge, there were a whole series of agreements, concerning recruiting campaigns for voluntary workers, for example with the Vichy government, which also provided for furloughs for foreign workers in their native country, wage schedules, family allowances etc.. These foreign workers lived in freedom, were billeted partly privately, partly in camps, which they were free to leave to go to movies etc. . They were given better food than our civilian population. They received at least twice or three times as many calories as the German population today, although war conditions prevailed at that time. It was known, for example, that foreign workers in camps received 500 g of meat per week, while the German population at the same time received only 350 g per week per head. Nevertheless, no protest was raised among the German population; as far as I can judge, after the conclusion of the Polish and French campaigns, the German people were not moved by any feeling of revenge against members of these nations. This is all the more surprising in view of the fact that, since 1914, Germany had endured the hunger blockade imposed by its enemies, and subsequently the economic blockade, and suffered severely under aerial warfare, which in Hamburg alone cost the lives of over 40,000 and in Dresden over 300,000 civilians and was considered as being contrary to international law and, at least, in violation of the Hague Convention.

It is a matter of course, that through aerial warfare, living conditions for foreign workers also deteriorated. According to my knowledge, the German Government proposed to England three times, prior to outbreak of war, to outlaw aerial warfare against the civilian population

- 6 -

contrary to international law. Due to the rejection of these proposals "total warfare" became a necessity for Germany.

I know that many plants went to great trouble to feed the foreign workers well (food drives in the country in favor of undernourished foreign workers), to billet them properly, and that several successful collections were even carried out to furnish clothing for the foreign workers. The camp quarters were always inspected by the German Labor Front, prior to being put into use, in order to check whether they complied with all regulations, chiefly in regard to hygiene. Firms, whose camp quarters were not in accordance with regulations, were not allocated workers until everything was available, including blanket and towel.

Nuernberg, 30 June 1947

signed Erich FIKENTSCHER

The above signature, affixed, in my presence, namely in presence of Attorney Otto KRANZUEHLER, is certified by me as being that of Erich FIKENTSCHER, residing in Augsburg, Porzhainstr. 24.

Nuernberg, 30 June 1947.

signed: KRANZUEHLER

Attorney - at - Law

Excerpts from

Otto Schwarz, Penal Code
Secondary Laws, Ordinances, and
Military Penal Law

12th, Completely Revised Edition
Seventh Great-German
Edition

C.H. Beck's Publishing House, Munich
and Berlin

2

PAGE 11 PENAL CODE FOR THE GERMAN REICH
of 15 May 1871 in the revised form of
26 February 1876 (Reich Law Bulletin 40)
containing all subsequent changes

PAGE 173....
Section 91 b

Acts of Favouring the Enemy-

I. Whoever, in the home country or as a German abroad, undertakes, during a war against the Reich or in relation to a threatening war, to further the cause of a foreign power or to injure the forces of the Reich or its allies, shall be punished by death or penal servitude for life.

PAGE 174

II. If the act caused only a minor disadvantage to the Reich and its allies and only a slight advantage to the hostile power, was not even likely to cause serious consequences, a sentence of not less than two years imprisonment with hard labor may be passed

Section 92 a
Violation of War Supply Contracts

I. Whoever, during a war against the Reich or in the case of a threatening war, being under contract with an authority in regard to requirements of the forces of the Reich or its allies fulfills this contract either not at all or in a manner apt to defeat or jeopardize the purpose of the performance, will be punished by imprisonment of not less than one year. The same applies in times of public distress to

- 2 -

a contract with an authority relating to supply or transport of food or other material necessary for the relief of the public distress.

II. The same punishment applies to sub-contractors, agents, and persons authorized by the contracting party, who, by violation of their duties of contracts defeat or jeopardize its fulfillment or its proper fulfillment.

III. Whoever commits the act by negligence will be punished by imprisonment of not more than two years.....

Page 1033

MILITARY PENAL LAW

Special Part No. 2

Decree about the Special Penal Law in War and in Case of Special Military

Assignment (bei besonderen Einsatz) (Special Penal Code 1) of 17 August 1938 in the form of the Supplementary Decree of 1 November 1939 (Reich Law Bulletin 1939 I 1456, 2131) and of 10 October 1940 (" " " I 1362; in excerpts

Page 1025

Section 5 Seditious Undermining of the Defense Spirit

I. Sentenced to death will be, for seditious undermining of the Defense Spirit,

1. whoever publicly instigates or incites to refuse service in the German or any allied armed forces, or otherwise attempts publicly to ^{paralyze} to break the will of the German or an allied nation to armed self defense; --* People's Court.
2. whoever undertakes to induce a soldier or a reservist to disobedience insubordination or violence against a superior, or to desertion or unauthorized leave, or otherwise to undermine the discipline in the German or another allied armed force;
3. whoever undertakes to evade, entirely, partially or temporarily his or another's obligation to armed service by self-mutilation, by deceptive means or any other way. --* People's Court.

- 2 -

II In less serious cases, a sentence of imprisonment with hard labor,
or imprisonment, may be pronounced. - People's Court No. 1, 3.

III Besides the penalty of death or imprisonment the confiscation of
the property is permissible.

Excerpt

from the Beck Short Commentary Volume 10 PENAL CODE (Secondary Laws, Ordinances, War Penal Law) by Dr. Otto Schwab - Associate Justice of German Supreme Court.

Section 92 II Part Page 174

- 2) The undertaking suffices for the action. Compare Section 87 A 1. It can consist in A. Helping of an enemy power; the latter must be in a more favorable position because of the action whether from a military or economic point of view; for helping of an enemy "power" (not merely a belligerent power) is enough RMG (Reich Military Court) 21,196. This is indirectly to the advantage of the belligerents, E 51, 282. Frank Supplement I; Leipzig. Section 89 A. 1; Ush. Section 89 A 3. So by subscription to enemy war loan; by importing goods even if no export prohibition exists, Frank Supplement I; similarly, even if it is only indirectly to the advantage of the enemy state; by supplying its citizens; further by destruction of crops raised at home, E 51,282; possibly by favoring the escape of enemy prisoners of war, RMG 21,196; by war profiteering at home, Leipzig. Section 89 A 5; or in
- B. Putting the German Forces at a disadvantage. This fact of the case often fulfils that at A; but here injury to the German Forces therefore not to the state as such is demanded. If a unified action results in disadvantages for the war potential, it is true, but, at the same time ⁱⁿ greater advantages (for example, by the arresting of a munition workers strike by a foreman (Arbeiterführer) then according to E 65,430; Frank II end of page no high treason is supposed to exist (very doubtful!).

Decree

REGARDING THE SUPPLEMENTATION OF THE PENAL PROVISIONS FOR
THE PROTECTION OF THE MILITARY POTENTIAL OF THE GERMAN NATION,

dated 25 November 1939.

(Excerpt from "Reich Law Gazette", 1939, Part I, page 2319)

Section 1.

Incorporated as article 143a in the Penal Code under the Law of
4 September 1941 (Reich Law Gazette I, page 549).

Section 143a:

Whoever wilfully destroys, renders unserviceable, damages, abandons
or conceals materials of national defense or an installation serving the
German national defense and, by so doing, wilfully or negligently
endangers the preparedness of the German Armed Forces shall be punish-
ed by imprisonment for a term of not less than 6 months. In serious
cases the penalty of death or penal servitude for life or a temporary
term shall be imposed.

Whoever intentionally produces or supplies defective materials
or installations of defense or the raw material intended for the pro-
duction or who knowingly abets defective production or supply and by
so doing wilfully endangers the preparedness of the German Armed Forces
shall be liable to the same degree of punishment.

The attempt is punishable.

Whoever through careless action negligently endangers the prepared-
ness of the German Armed Forces shall be punished by imprisonment.

- 2 -

Section 2

Whoever hampers or endangers the proper functioning of an installation vital for the defense of the Reich or the supply of the population by rendering partly or wholly unserviceable any object used for the operation of such installation shall be punished by penal servitude, in particularly serious cases by death, less serious cases shall be punished by imprisonment.

Section 3

.....

Excerpt from the Reports of the Reich Minister for Armaments and Munitions, Issue 1942, Page 38:

Concerning the Ban on Planning for Peace.

From a series of established facts it is apparent that even today, firms, constructors, technicians, draftsmen and the like, have set themselves to prepare for peacetime production. Although, hitherto, the individual firms may have felt that even while the war is still on they ought to prepare for the change-over to peacetime production, yet such considerations must today be regarded as completely erroneous. Our sole purpose today must be to attain victory, and to direct all efforts towards this goal.

In his decree of 13 April 1942, the Reichsmarschall forbade the continuation of peacetime planning and development (see report No. 2) in the plants engaged in work connected with war economy. Preparations for peacetime work must therefore be cancelled completely. It is sabotage of the conduct of the war if plants ask for key men and expert workers to be exempted from military service, or make applications to the Labor Offices for highly skilled laborers, and at the same time employ other workers, who could best replace such key men and expert workers, on plans for peacetime.

I conclude from the employment of manpower of the abovementioned kind on peace plans that false statements regarding requirements for and present numbers of workers are made within the meaning of the ordinance issued by the Fuehrer on 21 March 1942 for the Protection of the Armament Economy, and, in view of this ordinance, I shall take ruthless steps against such plant leaders. ----- All plans and developments, which serve important war interests are not counted as peacetime planning even if their development will probably involve a number of years.

signed: Speer

Reich Office "Chemistry"
Berlin W 36, Sigismundstr. 5

Production Target

for

the firm

works:

The attached production target has been given to the above-named firm for its works specified above, by the Reich Office "Chemistry". The products listed in the appendix belong in the quantities listed at the time to the "Chemical armaments programme" of the Reich Office "Chemistry". Consequently they enjoy the protection of the relevant provisions and regulations of the supreme Reich authorities. All authorities are asked to expedite the reaching of the target in every respect.

The production target is valid until it is cancelled.
Berlin, the.....194....

Reich Deputy.

(Please see reverse side).

Instructions for completing the questionnaire;

1. This production target consists of a cover and one or more sheets 1 (production) on which the manufactures and the quantities in which they are to be produced are laid down by the Reich Office "Chemistry".

It consists further of one or more sheets 2 (raw materials) on which the firm has to give the quantities of raw materials necessary for production for each item of Sheet 1 separately, and one or more sheets 3 (auxiliary materials) on which the firm has to give the total quantities of auxiliary materials necessary for production for the whole production within the framework of the target.

Raw materials are all materials necessary for the manufacture of the actual product, that is everything that goes into the product, further solvents, catalysts etc. Under auxiliary materials are to be understood, for instance, packing material, fuel and lubricants (separated for stationary and mobile motors, machines) filter cloths etc. It is urgently desired that requirements in fuel be given (subdivided into particular kinds of fuel and according to the purpose for which it is used a) power and coal for heating, b) coal for transport) and electric power. On sheet 3 of the target any further reference to particular difficulties and needs can be made briefly and to the point.

2. Alteration in production according to sheet 1, which deviate more than 20 % from the production quantities laid down are to be brought immediately to the notice of the Reich Office "Chemistry" giving the cause and probable duration of the deviation. Supplements and alterations to the production target can only be undertaken by the Reich Office "Chemistry" itself and must be attached securely by the firm at the time to this target.
3. Improper use of this target as for example the making of incorrect or incomplete statements are to be punished in accordance with the Fuehrer Decree for the Protection of the Armament Industry dated 21 March 1942 Reich Legal Gazette, 1 p. 165

Reich Deputy

Dr. Claus Ungewitter,

Sheet 1, Page

Production

Firm:

Works:

No.	Product	Prod. Target to be limited to notes t/month.
-----	---------	--

In the original form 2 further similar enclosures follow.

DUCTA (Belegung)

Date:
works:

Position of the Target	Product	Capacity in month of application tons per month	Production 1 Jan./1. Sep. 1939 Tons per month	Previous quot. tons per month	Newly proposed quota tons per month
1	2	3	4	5	6
Estimated probable distribution of Production (a - Bisher (previously) b - Quer Belegung (for quota)					
works' Consumption (Own consumption in works)	Complete Konzern Consumption, stating works.	Chief home market, stating most important customers	Export to countries	Remarks (Reason for increase)	
Tons per month	Tons per month	Tons per month	Tons per month	country	
a	b	c	d	e	f
7	8	9	10		

Product:		Position in quote plant:		Capacity: tons per month		Quote: tons per month		Remarks:	
From other plants of the works		From other concerns/works		From foreign firms		From foreign firms		(foreign country of origin etc.)	
Serial Number	Quantity tons per month	Specification	Quantity tons per month	Specification	Quantity tons per month	Specification	Quantity tons per month	Specification	Firm
2			4		5		6		7
3									8
									9
									10

Product:	Position in quota Plan:	Capacity: tons per month	Quota: tons per month	Works:
Requirements in Raw Materials and Primary Products				
From other Plants of the works				
Quantity tons per month	specification	Quantity Specific- tons per month	Quantity Specific- tons per month	Firm
2	3	4	5	6
				7
				8
				9
				10
Remarks (foreign country of origin etc.)				

DOCUMENT BOOK 6 SCHNEIDER

Doc. No. 277

List

of these Schneider Documents from Document Volumes III - VI which, at the same time, bear an Exhibit-No. in other Nuernberg proceedings:

Volume III

Schneider	Doc. No.	96 Burkart Exh.	Case V No.	No.
"	"	97	"	No. 212
"	"	98	"	No. 213
"	"	29	"	No. 214
"	"	28	"	No. 33
"	"	101	"	No. 32
"	"	23	"	No. 217
"	"	18	"	No. 28
"	"	102	"	No. 22
"	"	230 Sauckel	IMT	No. 218
"	"	"	"	No. 1

Volume IV

Schneider	Doc. No.	40 Burkart Exh.	Case V No.	No.
"	"	41	"	No. 48
"	"	42	"	No. 49
"	"	253	"	No. 52
"	"	45	"	No. 53
"	"	105	"	No. 54
"	"	46	"	No. 221
"	"	257	"	No. 66
"	"	47	"	No. 68
"	"	48	"	No. 67
"	"	49	"	No. 60
"	"	50	"	No. 61
"	"	52	"	No. 62
"	"	275	"	No. 64
"	"	51	"	No. 65
"	"	53	"	No. 63
"	"	54	"	No. 66
"	"	163	"	No. 70
"	"	59	"	No. 70
"	"	60	"	No. 80
"	"	61	"	No. 81
"	"	"	"	No. 82

Volume V

Schneider	Doc. No.	138 Sauckel Exh.	IMT	No.	No.
"	"	62 Burkart	Case V	No. 60a	No. 83
"	"	72	"	No. 95	No. 97
"	"	74	"	No. 96	No. 222
"	"	106	"	No. 73	No. 109
"	"	55	"	No. 98	No. 99
"	"	63	"	No. 102	No. 104
"	"	75	"	No. 14	No. 105
"	"	91	"	No. 103	No. 106
"	"	78	"	No. 67	
"	"	80	"		
"	"	246 Sauckel	IMT		
"	"	81 Burkart	Case V		
"	"	79	"		
"	"	82	"		
"	"	273	"		

DOCUMENT BOOK 6 SCHNEIDER

Doc. No. 277

Volume VI

Schneider	Doc. No.	89	Burkart	Exh.	Case V	No.	92
"	"	65	"	"	"	No.	88
"	"	84	"	"	"	No.	87
"	"	66	"	"	"	No.	89
"	"	68	"	"	"	No.	91
"	"	145	Speer	"	IMT	No.	13
"	"	32	Burkart	"	Case V	No.	33
"	"	35	"	"	"	No.	39
"	"	36	"	"	"	No.	40
"	"	37	"	"	"	No.	41
"	"	30	"	"	"	No.	34
"	"	38	"	"	"	No.	42
"	"	39	"	"	"	No.	43
"	"	70	"	"	"	No.	47
"	"	31	"	"	"	No.	35
"	"	34	"	"	"	No.	36
"	"	100	"	"	"	No.	216

Nurnberg, 8 February 1948.

signed: Dr. Hellmuth Dix.

CERTIFICATE OF TRANSLATION

13 February 1948

We, Robert Hoffmann, 20162, John B. Robinson, X 046350,
Mary Fleck Perry, 20136, Hanns Ed. Gleichman, A-443029
and Fred Salomon, A-446622 hereby certify that we are
duly appointed translators for the German and English
languages and that the above is a true and correct
translation of the Document Book 6 Schneider.

Hanns Ed. Gleichman
A-443029

Mary Fleck Perry
20136

Robert Hoffmann
20162

John B. Robinson
X-046350

Joseph E. Gosser
B 397993

Fred Salomon
A-446622

"End"

Case 6
Defense

DOCUMENT BOOK 7 SCHNEIDER

Document Book
for
Dr. Christian Schneider

No. 7

submitted by
the Defense Counsel
Dr. Hellmuth Dix

Thurg



Index to the Document Book No. 7
for Dr. Christian Schneider

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238		Excerpt from "International Law" a treatise by L. Oppenheim. The author in 1920 still holds the view that in Great Britain as well State Law has precedence over International Law.	2 - 4
225		Excerpt from War Department Basic Field Manual and Rules of Land warfare Prepared under direction of the Judge Advocate General United States Government Printing Office Washington: 1940 p.7 According to this, if Art.29 of the Hague Convention of Land Warfare and War Art.No.82 cannot be applied jointly, the US practice will be ruled by the USA War Art.	5 - 6
129		Excerpt from Constitutional Law and Natural Law in the light of the doctrine of the right of the people to resist the exercise of the sovereign power of the state contrary to law, at the same time a contribution to the history of the development of the modern state conception by Kurt OLSENHOFF 1916, first part. In closing the author arrives at the conclusion that a right of resistance against the State must be denied according to constitutional Law as well as to Natural Law.	7 - 12
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DOCUMENT BOOK 7 SCHNEIDER

I confirm that all documents contained in this Document Book
correspond verbatim to the documents submitted to the
Tribunal.

Munich, 7 February 1948

(signature) Dr. Hellmuth Dix
(Dr. Hellmuth Dix)
Attorney-at-Law

Excerpt from:

"INTERNATIONAL LAW, systematically presented by Franz von LISST" 12th edition. Revised by Dr. Max FLEISCHMANN, Professor at the University of Halle. Berlin 1925, published by Julius SPRINGER.

Page 14, paragraph II.

International Law as the law of the community of nations in a broader sense, would not be able to fulfil its tasks, if the national law would contradict the standards of international law. However, in the case of a deviation, this does not mean that the citizen of a state is no longer subject to its national law. ("International law does not supplant National Law".).....

Page 83, paragraph I.

Only states are subjects of international law, carriers of privileges and duties according to international law.....
2) International law entitles and binds only states themselves but not their citizens. Between them and the community of nations stands the authority of the national state. From a German-Russian trade treaty, privileges and duties accrue to the German Reich and Russia; the German and Russian businessman however has to deal only with his government and not with the foreign state.

INTERNATIONAL LAW

A Treatise

By L. OPPENHEIM, M.A., LL.D. Formerly
Professor of international
law in the university of Cambridge,
member of the institute of interna-
tional law, honorary member of the
royal academy of jurisprudence at
Madrid, corresponding member of
the american institute of interna-
tional law.

Vol I - Peace.

Third Edition
Edited by
RONALD F. BOXBURGH

of the middle temple, barrister - at-law,
formerly . . . scholar in the univer-
sity of Cambridge, formerly scholar of tri-
nity college, Cambridge

LONGMANS, GREEN AND CO.
39 Paternoster Row, London
Fourth Avenue and 30th Street
New York, Bombay, Calcutta and
Madras

Par. 21 - Law of Nations never per se Municipal
Law.

If the law of Nations and Municipal Law differ as
demonstrated, the Law of Nations can neither as
a body nor in parts be per se a part of Municipal
Law. Just as Municipal Law lacks the power of al-
tering or creating rules of International Law.,
so the latter lacks absolutely the power of al-
tering or creating rules of Municipal Law. If,
according to the Municipal Law of an individual
State, the Law of Nations as a body or in parts
is considered to be the law of the land, this can
only be so either by municipal custom or by sta-
tute, and then the respective rules of the Law
of Nations have by adoption

(page 3 of original)

become at the same time rules of Municipal Law. Wherever and whenever such total or partial adoption has not taken place, municipal courts cannot be considered to be bound by International Law, because it has, per se, no power over municipal courts. And if it happens that a rule of Municipal Law is in diductible conflict with a rule of the Law of Nations, municipal courts must apply the former. If, again, a rule of the Law of Nations regulates a fact without conflicting with, but without expressly or tacitly having been adopted by Municipal Law, municipal courts cannot apply such rule of the Law of Nations.

Page 660
Par. 449 - Freedom of action of Consenting
Representatives.

As a treaty will lack binding force without real consent, absolute freedom of action on the part of the contracting parties is required. It must, however, be understood that circumstances of urgent distress, such as either defeat in war, or the menace of a strong State to a weak State, are according to the rules of International Law, not regarded as excluding the freedom of action of a party consenting to the terms of a treaty. The phrase "freedom of action" applies only to the representatives of the contracting States. It is their freedom of action in consenting to a treaty which must not have been interfered with, and which must not have been excluded by other causes. A treaty concluded through intimidation exercised against the representatives of either party, or concluded by intoxicated or insane representatives, is not binding upon the party so represented. But a State

(page 4 of original)

which was forced by circumstances to conclude a treaty containing humiliating terms has no right afterwards to shake off the obligations of such a treaty on the ground that its freedom of action was interfered. This must be.

Page 661

emphasised, because, in practice, such cases of repudiation have frequently occurred. A State may, of course, hold itself justified by political necessity in shaking off such obligations, but this does not alter the fact that such action is a breach of law.....

The verbatim and true copy of the
above document is herewith certified.

(signed) Dr. HELMUTH DEK.

EXCERPT FROM WAR DEPARTMENT
BASIC FIELD MANUAL AND RULES OF LAND WELFARE

Prepared under direction of
the Judge Advocate General

United States
Government Printing Office
Washington : 1940

Page 7

Section II
CONDUCT OF HOSTILITIES
Military Necessity

Chapter 6

ESPIONAGE AND TREASON

Page 57

202. Spies - a. General. A person can only be considered a spy when, acting clandestinely or on false pretenses, he obtains or endeavors to obtain information in the zone of operations of a belligerent with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army for the purpose of obtaining information are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, entrusted with the delivery of dispatches intended either for their own army or for the enemy's army. To this class belong, likewise, persons sent in balloons for the purpose of carrying dispatches and generally of maintaining communications between different parts of an army or a territory (H.R., art. 29).

b. American statutory definition.

The first paragraph of the foregoing Hague regulation has been in effect somewhat modified, as far as American practice is concerned, by the subsequently enacted eighty-second article of war (act June 4, 1920, ch. 11 art. 82; 41 Stat. 804), as follows:.....

(page 6 of original)

par. 82 Spies.

Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court martial or by a military commission, and shall, on conviction thereof, suffer death,

c. Eighty-second article of war governs.- Insofar as H.R.29 and the eighty-second article of war are not in conflict with each other, they will be construed and applied together. Otherwise the Article of War governs American practice.....

CONSTITUTIONAL LAW AND NATURAL LAW

in the

Doctrine of the Right to Resistance
of the People against illegal Exer-
cise of the State Authority,
simultaneously a Contribution
to the History of evolution
of the modern State.

By

KURT WOLZENDORFF
Breslau

published by M. and H. MARCUS

Part I National Law and Natural Law in the Doc-
trine of the Monarchomachists. (Monarchomachen).
page 18..... I.: The general Status of the
Doctrine of Resistance at the Time of
the Appearance of the Monarchomachists
(Monarchomachen.).

Even in the peculiar political system of Marsi-
lius of Padua, the people were not able to make
the Prince himself responsible but could only
do so by "statutes ad hoc". These "statuti ad
hoc" however, are nothing more than represen-
tatives of the individual guilds, differentia-
ted by Marsilius, which occupy in his state
structure, a position corresponding to that
in a real state.....
"Defensor pacis cap. XII. XV.

page 95 III. The doctrine of resistance of the
monarchomachists
(Monarchomachen).

Calvin in 1559 discusses in the "institutionis
religionis Christianae", the question of the right
to resistance. His answer is that the subjects
of a state have at no time the right to resist
illegal actions of the state. However, he adds-
and with this single postulate the question has
been placed firmly on the ground of constitutional
law -

(page 8 of original)

that, if in a state representatives of the people have been elected, in order to limit the despotism of the Prince, then it is not only not prohibited for those representatives to act against the excesses of the prince, (Pro officio intercedere non veto) but they would even act against their duties (nefaria perfidia) if they tolerated them....v.

"The passus of the Institutio Christianae Religionis Lib IV cap. XX, 30 (Corp. Ref. XXIX. 1122) reads in the original in that connection:

Nam si qui nunc sint populares magistratus ad moderandum regum libidinem constituti (quales olim erant qui lacedaemoniis regibus oppositi erant ephori, aut romanis consilibus tribuni plebis, aut Atheniensium senatui demarchi; et qui etiam forte potestate, ut nunc res habent, funguntur in singulis regnis tres ordines, quum primarios conventus peragunt) eadem illos ferocienti regum licentiae pro officio intercedere non veto, ut si regibus impotenter grassantibus et humili plebeculae insultantibus conniveant, eorum dissimulationem nefaria perfidia non parere affirmem; quia populi libertatem, cuius se Dei ordinatione tutores positos norunt, fraudulenter produnt.

Page 351 VII. Rousseau and the legislation of the French revolution

.....Under the influence of Rousseau, the right of the people to resistance has been positively legalized in the French revolution. Still more important for our examination is that with this positive-legal recognition of the right to resistance elements of evolution are discernible, which clearly

(page 9 of original)

show a connection with the older positive-legal right of resistance. We cannot let these matters pass without discussing them more in detail.....

page 461.

.....If also the untenableness of the assumption of a right to resistance in the common German constitutional law is not thus such a matter of course that the argumentations for it become completely unnecessary, then on the other hand its reasons are so lucid and devolve in themselves from the basic principles of our constitutional law, that they need no proof but need only be referred to.

A postulate of an unwritten positive law which would exclude the resistance of the people from the common standards of prohibitions, as a special fact according to constitutional law and declaring it as justified, is for us totally inconceivable, because it would be contrary to

(page 10 of Original)

our present conception of the Nature of the state and the law and the relation of both to each other. The state is for us the highest authority in human society (menschlichen Gemeinschaftsleben).

- 1.) A power of authority in itself, independent of any external power.
- 2.) In a modern state, however, this power of sovereignty is "placed under law"; 3) its implementation is predicated upon a legal system, the state is a constitutional state. Therefore for a modern state the recognition of a right of the people to resistance would be tantamount to a legal renunciation of the preservation of its power or sovereignty.
- 1) O. von GIERKE "The Basic Conceptions of Constitutional Law" 1915, page 96 ff.
- 2) G. JELLINEK, General Political Science, page 180
- 3) GIERKE, IBID. page 107.

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It represents therefore a self-denial of its existence however another source of legality as such a self-denial of the state is inconceivable for the state. Because the loss of the legal authority for its power of sovereignty deriving from its very existence, which would result with the recognition of resistance against the permitting norms, cannot be legally construed for us otherwise, because we recognize all legal binding of the state authority only as a voluntary one 1), or as self-proviso (Selbstbedingung) 2.) A principal right for the right against, or even overthrow of the state, sovereignty, which the right of the people to resist would imply, is therefore impossible per se.

But only for the reason of conception and the existence of state and law a right of the people to resist becomes impossible in view of modern constitutional law

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but also in view of the singular character and the actual structure of the modern state with respect to its legal structure. The right to resistance is nothing more than a means of legal protection. However, legal protection is monopolized by the modern state and if not executed by itself, it is authorized by it. A right of individuals to usurp the law is recognized by the modern state only by virtue of its own authorization. We can go even farther by saying with G. JELLINEK 3): by monopolizing the legal protection it became the right of the state to regulate every law valid inside its own borders so much so, that in a modern state all law is divided into state drafted law and state approved law. The admission of a right to fight against the state by the state itself can never be conjectured.....

- 1) GIERKE, *ibid.*
- 2) G. JELLINEK: *The Legal Nature of State Treaties*, page 17 ff and *General Political Science* 370 ff
- 3) *General Political Science*, page 366 ff.

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.....With this we conclude our historical review. We saw the end of the legal conception of the right to resistance in constitutional law and in natural law. If we want to express the result in terms of political science we would have to say: the end of the legal conception of the right to resistance is based on the internal contradiction of state-dualism, not only of the estate-state (staendischer Staat) between Prince and estates (Staende) but also in the absolute state between autocratic-state and the people; because in the legally organized system of the present German state the idea of unity of state and people is recognized and realized.....

The verbatim and true copy of the above document is herewith certified.

(signed): Dr. HELMUTH DIX.

AFFIDAVIT.

I, Dr. Friedrich GAUS, at present in Nuernberg, know that I render myself liable to punishment if I make a false affidavit. I declare upon oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal, Palace of Justice, Nuernberg.

I have been asked to answer the questions as stated below, No. 1-8, by counsel for the defense, attorney-at-law KRANZBUCHLER. To each of the below mentioned questions I reply as follows:

- 1) What positions did you occupy during the war 1939-1945?

Answer:

Since 1923, I had been chief of the legal department of the Foreign Office and technically speaking I still occupied this position at the beginning of the war. However, by virtue of the directives of the then Reich Minister for Foreign Affairs, RIBBENTROP, my share of the work in the legal department was cut down rapidly with the beginning of the war and partly had been cut down even before that time and I was given special tasks at irregular intervals. Though I am unable to state any accurate dates, I believe that I ceased working for the legal department in the spring 1940. The management of the department has since then been constantly in the hands of my permanent deputy, the Minister ALBRECHT. At the end of March, 1943, being appointed ambassador, I was assigned to the Foreign Office

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for special services and was also formally released from my connection with the legal department and was, in the same manner as in the preceding years, given special tasks to perform.

2) In your official capacity, did you ever have anything to do with the forced labor service of foreign workers for work in the Reich?

3) If so, at what occasions?

Answer: Questions dealing with or which were connected with the compulsory service of foreign laborers in the Reich concerned me in my official capacity as far as I remember, in the following instances:

a) Fairly soon after the appointment of SAUCKEL as Plenipotentiary for the Allocation of Labor, RIBBENTROP got enraged, it must have been sometime around 1942, about the fact that SAUCKEL had acted completely independently of and without the assistance of Ambassador ABETZ with respect to all his dealings and measures in France and that in addition he had complained to HITLER about the lack of assistance offered to him by ABETZ. He made me help him to draft a letter to SAUCKEL for the above mentioned reason in which he pointed out to him the necessity of working in collaboration with the Foreign Office. Later on he told me of SAUCKEL's reply, the context of which apparently was satisfactory, in so far as it agreed with RIBBENTROP's point of view in respect of the competency of the Foreign Office. At this occasion, I learned that ABETZ was severely criticizing SAUCKEL's methods

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and considered the transferring of French labor to the Reich a mistake. On the occasion of ABETZ's several visits to Germany for the purpose of reporting about the whole problem, he told me of these things when in conversation with me, at the same time stressing that the pressure exercised on these French laborers was only leading to their joining the "Maquis" in large numbers, i.e. that they took to hiding in the woods and joining the French resistance movement and that the attitude of the French population became more and more hostile towards Germany. At the instigation of RIBBENTROP, SAUCKEL and ABETZ and he met for a discussion. As to the result, I merely learned afterwards that SAUCKEL had agreed to ABETZ's permanent assistance in all matters concerning France and that on the other hand, ABETZ, according to instructions received from RIBBENTROP, was to support SAUCKEL vigorously.

- b) At the end of 1944, RIBBENTROP dragged me into the violent conflict concerning questions of jurisdiction, which had arisen between him, COMBES and ILY because of 'the propagandistic care' as applied to the foreign laborers in the Reich. The point at issue was that COMBES, together with his staff of the Ministry, wanted to take care of this himself, whilst RIBBENTROP maintained that this had always been the concern of the Foreign Office and that he saw no reason why it should be altered. At his occasion, RIBBENTROP in my presence,

frequently had a report made to him by the chief of Gruppe Inland I (Home group I) of the Foreign Office which was competent for all labor questions, on the subject of how this question of care for foreign laborers was organized. The group leader FRENZEL stated among other things that periodically - I believe it was every week-meetings were held between the representatives concerned in the matter, especially those of the Deutsche Arbeitsfront (German Labor front) and those of the office of SAUCKEL, in which all relevant questions were discussed. This conflict concerning the jurisdiction, according to my knowledge, had not been settled, owing to the developments of the war.

- 4) Did you, during the war, consider compulsory labor service of foreign workers a violation of international law? If so, what provisions of international law?

Answer:

I had no doubts at the time, that the compulsory labor service of French workers in Germany could not be justified from a point of view of international law. Whether and to what extent I was aware of the exact wording of the provisions of the Hague Convention governing rules for War on Land, as for example Article 52, I cannot remember now. My own judgment was based already on the generally accepted and fundamental points of law. In addition, I still remembered very well the severe criticism that the deportation of Belgian and French workers to Germany had aroused in the minds of people during the first world war. Therefore, as I did not have to give a formal legal opinion in writing,

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it was unnecessary for me to study the exact wording of the Hague Convention in order to form an opinion.

- 5) Did you communicate your opinion concerning the lawfulness or, as the case may be, the illegality of compulsory labor service, to either Foreign Minister v. RIBBENTROP, the Ambassador ABETZ in Paris or to Generalat ALBRECHT, your deputy and later your successor as chief of the legal department of the Foreign Office?
- 6) If so, what were the results?
If no, why not?

Answer:

During the frequent discussions with RIBBENTROP concerning the questions of jurisdiction as mentioned under 2a above, I have often had and used the opportunity to express my point of view, not however by phrasing it in legal language, but stating it nevertheless clearly. I did chiefly stress the fact, that I believed ABETZ's attitude towards the methods employed by SAUCKEL, to be very convincing, though I was ignorant of the various individual measures and incidents in France itself; that further, the French population would obviously consider these German measures to be extremely severe and unjust ones and that the result would be that it would be driven to adopt an increasingly hostile attitude towards Germany. It was my impression at the time that RIBBENTROP did acknowledge these, my points of view, and also showed understanding for the attitude adopted by ABETZ.

However, as RIBBENTROP's main point was his consideration for HITLER's known or alleged opinion, he could not be brought to budge from his determination

Document Book 7 SCHNEIDER

CERTIFICATE OF TRANSLATION

18 February 1948

We, Vera SOLANDER, Elizabeth A. JOHNSON, William ZIRKL, Thyra THYSSEN, R. E. CLARK, hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the document book 7 SCHNEIDER.

Vera SOLANDER Elizabeth A. JOHNSON William ZIRKL
Civ.No. 20091 Civ.No. C 397941 Civ.No. B 397938

Thyra THYSSEN R. E. CLARK
ETO No. 00638 Civ. C.B. 397939.

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to direct ABETZ to support SAUCKEL vigorously. I presume that during my conversations with ABETZ held at the time, which were non-official, I have stated my opinion on the subject, though I do not remember the exact words. I was not in Berlin, at the time, but near RIBBENTROP's field office, as RIBBENTROP had taken the matter up himself. Furthermore it was outside of my field of activity or authority to issue directives to either the Foreign Office or to any of its departments in this matter, especially as Minister ALBRECHT knew the laws pertaining to War very well indeed. Whether at that time RIBBENTROP did issue instructions or release any information on the matter, in Berlin, I cannot say. That, too, did not lie within the framework of tasks assigned to me by RIBBENTROP.

- 7) Did, according to your knowledge, the legal department of the Foreign Office, that of the Ministry of Labor or that of the Ministry for the East ever at any time, render an opinion or state their point of view in writing, concerning the legality of the compulsory labor service of foreign workers in the Reich?
- 8) If so, who rendered this opinion or stated this point of view and what was the result?

Answer:

Whether the legal department of the Foreign Office, that of the Ministry for Labor

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or that of the Ministry for the East have ever rendered an opinion or stated their point of view in writing I am not in a position to say. According to my statements as above under 1. concerning my official capacity during the war, only Minister ALBRECHT will be able to give the necessary information.

Nuernberg, 13 August 1947.

sgd. FRIEDRICH GAUS
Nuernberg.

The above signature of Dr. Friedrich GAUS, given before me and witnessed by me is herewith certified.

Nuernberg, 13 August 1947

sgd. Otto KRANZBUCHER
Attorney-at-law.

EXCERPTS FROM THE BOOK "THE GERMAN PROBLEM"
by WILHELM ROPKE
(PUBLISHED BY EUGEN RENTZ, ERLENBACH, ZUERICH)
1945, 2 Edition

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.....This applies above all to the treatment of private property. Just as the Church was openly persecuted in Russia whereas in the Third Reich it was undermined, as far as possible, so was ownership in production-goods openly abolished in Russia, whereas in the Third Reich, by constant curtailing, of the rights and functions of the owner, it deteriorated so badly that it became an empty shell which was allowed a continued existence for merely propagandistic reasons. Thus the way in which private property was abolished was different in each case but the effect was more or less the same.....

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.....In addition to this the character of National Socialism was undoubtedly from the very outset much more a gregarious one than that of fascism and was far more deeply rooted in the proletariat. It had from the very beginning aimed at winning for itself the broad masses of the laborers and employees, and the fact cannot be denied that this aim was reached to a high degree especially where the younger generation was concerned which could not fall back on the liberal tradition of the old trade-unions. Contrary to the present wide-spread

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opinion it were these proletarianized masses lacking in tradition which were the mainstay of National Socialism; it was they whom it tried to flatter and they were only too ready to be courted; National Socialism endowed them with an importance which increased their self-assertive attitude till it became arrogance; they were treated with an amount of leniency on which to count would have been suicidal for an employer. Compared with these social strata a not inconsiderable part of the bourgeoisie behaved in a much more dignified manner.....

This is herewith certified to be a verbal and true copy of the above document.

signed: Dr. HELMUT DIX.

AFFIDAVIT.

I, Professor Dr. Rolf FRIEDL, residing at Karlsruhe, Hertzstrasse 14 have been duly warned that I make myself liable to punishment by making a false affidavit. I declare under oath that my affidavit is true and was made in order to be submitted in evidence to the Military Tribunal No. IV at the Palace of Justice, Nuremberg, Germany.

Professor Dr. Wilhelm ROEKE, at present residing in Geneva, Switzerland, was at the beginning of 1933 Professor for Political Economy at the University of Marburg. Because of the fact that I was at that time a lecturer (Privatdozent) at the same university and in the same department, I was in close contact with him and therefore I was also a witness to the fact that in his funeral address for his teacher, Walter TROLSCH, in January or February 1933 he said the following:

"You, Walter TROLSCH, were a good gardener. You may consider yourself happy that you do not have to witness how the forest of German culture is being transformed into a jungle of barbarism."

This quotation was the reason that Herr ROEKE became persona non grata with the new regime so much so that he had to flee from Germany, approximately in May, and afterwards occupied at first a position as guest-professor at Ankara until he transferred his place of residence as an emigrant and Chief of the Institute for Social Sciences in Geneva, to that city. Herr ROEKE is so well known for his numerous publications in his capacity as political economist and sociologist that it is unnecessary to make further statements concerning his political attitude. Unfortunately I am not familiar with ROEKE's book "The German Problem" although I am still in personal correspondence with the author. Concerning myself I may state that I continued to hold my position as Professor of Political Economy at the Technical University

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at Karlsruhe, although I was forced to obtain nominally the Party membership at the time of my appointment in 1939. The de-nazification court (Spruchkammer) tried to classify me as a passive follower. No hearing of witnesses is necessary in order to prove my innocence, because all my other documents will be sufficient for my scientific and political identification.

Karlsruhe, 23 October 1947 (signed) Dr. Rolf FRICKE

Document Register No. 366/47

The above signature of Professor Dr. Rolf FRICKE, made in his own hand and affixed before me is herewith attested, certified and witnessed to by me.

Karlsruhe, 23 October 1947 (signed) Dr. R. KESSLER

Attorney-at-law and Notary

(Stamp)

Dr. Hermann KESSLER Notary
Karlsruhe

Dr. Hugo ROSENDAHL
Oberstadtdirektor of the City of Essen.

Essen-Bredeney, 15 August 1947
Tirpitzstrasse 15

AFFIDAVIT.

I, Dr. jur. Hugo ROSENDAHL, residing at Essen-Bredeney, Tirpitzstrasse 15, am aware that I make myself liable to punishment if I make a false affidavit.

I declare on oath that my statements following are true and were made in order to be submitted in evidence to the Military Tribunal at the Office of Justice, Nurnberg.

In the Berlin People's Court criminal proceedings against Director of Mines (Bergwerksdirektor) Hilb. Ing. Wilhelm RICHEN in Essen and in the subsequent proceedings at the Reich Ministry of Justice, I acted for Herr RICHEN's family as legal advisor. Herr RICHEN had been sentenced to death by the verdict of the People's Court of 8 March 1944 (Presiding Judge Dr. FRIEDLICH) on account of seditious undermining of the fighting morale, and for giving aid and comfort to the enemy because, according to the findings of the court, he said to a Foreman of the Mining Administration directed by him, that the war will end in 1943 just as disastrously as in 1918 and that the National Socialists and Fascists should all be hanged.

Despite my most energetic efforts, I did not succeed in preventing the execution of the death sentence, which was carried out 2 months after the promulgation of the verdict.

The arrest and execution of Herr RICHEN caused considerable sensation at that time, especially in the mining industry of the Ruhr, the electric supply industry and the economy branches in connection with them, because Herr RICHEN was a mining expert of recognized reputation, who just at that time was entrusted with the management of the entire

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mining enterprises of the Rhenish-Westphalian Electric Works (Gewerkschaft Victoria Mathia, Graf DEUT and Friedrich Ernestine at Essen including the Braunkohleninteressen). Herr RICKEN who previously held a leading position with the so-called "Reichswerken Hermann GOELING" had been appointed later a successor to Generaldirektor Dr. ROHL. On the day when he took over his duties, 1 September 1943, or a few weeks later, he made those remarks which ultimately led to the death sentence against him.

A petition for pardon, which among other things, had been recommended by the Chairman of the Aufsichtsrat of the Rhenish-Westphalian Electric Works (RWE), Dr. VOGELER (Vereinigte Stahlwerke A.G.) and Generaldirektor Dr. KNEPPER (Gelsenkirchener Bergwerk A.G.) was rejected by the Reich Minister of Justice.

(signed) Dr. Hugo ROSMUEHL.

Document Register 840/47

The above signature of Oberstadtdirektor Dr. Hugo ROSMUEHL, of Essen-Bredeney, Tirpitzstrasse 15, affixed before me is herewith certified by me.

Essen, 15 August 1947

(signed) Dr. Franz WOLTERS
Notary

Costs:

Value, RM 1.000.00

Fee, according to section 144, 39 R.K.O. 2.00

(signed) Dr. Franz WOLTERS
Notary.

Excerpt from the transcript of
MILITARY TRIBUNAL No. IV, Case V
NUERNBERG, GERMANY, 24 July 1947
(Examination of witness FLEIGER).

Page 3406 - 3408

Q: Mr. FLEIGER, according to what you have just now described, did this not constitute a certain pressure on production by the Control Planning Board? Did they make certain demands for certain production amounts?

A: Certainly.

Q: I should merely clarify this because before you said that no production terms were imposed by any authoritative agency.

A: I meant the mining authorities.

Q: Apparently we misunderstood each other. At first I asked you whether orders or demands and directives had been given.

A: There was no department in economy in Germany which did not have to obey directives, decrees, etc. Everybody had to obey their directives about production capacity and

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demands for increase in production again and again.

Q: Mr. LEIGER, could an industrialist take steps against these demands? Could an industrialist state, for instance, "I don't take any Soviet prisoners of war in. My coal-mining plant, I shall, therefore, produce less, having no workers."

A: I believe no German plant manager could have done that, and it is possible to prove that it was practically not possible.

Q: I should like to ask you, since you had a very high position to explain something. For someone who did not live in Germany, it is not quite simple to understand this force and this pressure.

A: Especially during the last years when so much was destroyed, when so many difficulties arose, the entire German people of course found themselves under a tremendous pressure. That is quite evident that stemmed from the military development. Let us assume that a plant manager said, "I am not going to produce more, I don't employ any foreign laborers," within a space of five minutes this statement would have been known in the competent political and police agencies, and he would not only have been thrown out of his job, but even locked up.

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Q: You have already stated what I wanted to ask you. You say a plant manager, but if we now do not speak about a plant manager but very concretely, especially in this case, for instance, if Dr. FLICK would have said, "I am not going to employ a foreigner; I am not going to employ a prisoner of war in the mining industry," - and then the productions in Harpen and Essener Steinkohle would have been reduced, what would then according to your opinion have happened?

A: Then Dr. FLICK would have been taken away where he could not make such statements and somebody else would have been instituted who would not have made these statements.

Q: Mr. FLEIGER, do you think that he would have only been denied? You have already said "arrested." Was our State not so strong in its dictatorial power that in such a case it would have considered this as a clear out case of sabotage?

A: Certainly. He would have been placed before the People's Court.

Q: What would have happened in the People's Court? Is that clear to you? But still, please, explain what would have happened.

A: I was never in the People's Court. I can only tell you what I heard about that, and that GOERING

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Document No. 208

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told me one time that if Salzgitter Metenstoeht
doesn't function properly I will be put before a
People's Court. I imagined that I would be beheaded
then.

I certify to the verbatim and true copy of the
above document.

Nuernberg, 30 January 1948 signed: Dr. Helmut DIX
Defense Counsel

Excerpt from the transcript of
MILITARY TRIAL I No. IV, Case V
NUERNBERG, GERMANY, 21 Oct. 1947
(Examination of witness WEINHART).

Page 6866 - 6870

.....
BY DR. BEMERS:

Q: Dr. WEINHART, we were just talking of the production plan and of the Jaeger Staff (The Fighter Staff). Now, may I ask you to explain what the Fighter Staff is, and who was in charge of it?

A: At the end of 1943 the so-called Jaeger Staff was founded with the intention of exerting a stronger pressure for reduction on the firms. Originally, only upon those firms that constructed fighters, but right afterwards upon all aircraft production firms. The head of the Fighter Staff was a certain Herr SAUER. I would call him a mere political man. He was Hauptamtsleiter in the Party.

Q: Well, we will return to Herr SAUER shortly. Before that I would like to ask you to tell me, was the Fighter Staff a government agency, and to what government organization did it belong?

A: The Fighter Staff belonged to the SPEER Ministry, and it was connected with Party armament agencies.

Q: The Fighter Staff therefore unlike the Rings was not an organization in which industrialists or economists had a say, but only officials within the Fighter Staff?

A: Yes, that was a mere official organization.

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Q: Now, could the firm AEG change or reject a production plan which had been drawn up for a year in advance?

A: Practically we had no possibility to do so. At the most we could report that for one reason or the other, we could not carry out such a plan; but they still forced us to keep to the program.

Q: Could you say "The carrying out of the program was impossible because we don't have the necessary labor?"

A: That could be said when workers had been withdrawn to the Armed Forces, for instance, but once the program had been established, it was impossible from the side of the industry to make any obstruction.

Q: Was the Fighter Staff also connected with the procurement of labor?

A: I think there I have to enlarge a little bit. When the Fighter Staff was founded and Herr SAUER turned up in the picture, the whole matter of issuing the contracts to the industry had been super-total planning; with an incredible ruthlessness Herr SAUER interfered in all the spheres of production and construction, questions of raw material and questions of labor, and so on.

Q: Could you tell SAUER that the AEG does not accept the workers which have been allotted from the Labor Office and is going to produce loss; and if you had done that, what would have been SAUER's reaction?

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A: Herr SAUER started his activities at Leipzig by way of a very large conference which lasted for an hour or two. In this meeting, it became already apparent that any objections to the orders of the Fighter Staff, in other words SAUER, was almost a danger for your life. In this meeting which was composed of quite a number of industrialists, generals of the air forces, and members of the OKW, the directives were laid down by Herr SAUER in the most ruthless manner to the industry and the officers. He did not leave any doubt at all that even the slightest attempt at obstruction against his instructions would begin with the concentration camp; and if the Tribunal permits me to express myself in a little bit more drastic manner, it would end at the wall or with shooting to death.

The meeting was so violent that even SAUER treated the generals of the air force in a most incredible manner. I am going into quite a bit of detail here because I want to give as complete an answer as possible to the question of defense counsel.

Q: Who attended this meeting, and how many persons? You said there were quite a number of industrialists and generals of the air forces and so on and so forth.

A: At least 80 to a hundred persons. The meeting took place in the offices of an aircraft production factory in Leipzig. We had to stand while we listened to Herr SAUER's orders.

Q: Was it a conference, or was it just a speech by Herr SAUER?

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A: Well, they termed it a conference. I would call it a reception of orders.

JUDGE RICHMAN: Don't you think we know enough about that now?

DR. SIEMERS: Your Honor, I only wanted to hear from the witness the following. Herr WEINHELT, during this conference did SAUER express direct threats, did he actually say in so many words, expressis verbis what you described?

A: He didn't say it in the words I used here. He used much more violent terms.

Q: Didn't anybody in the meeting of the industry or of the generals get up and object and state that such demands could not be complied with?

A: The atmosphere was so tense that it was quite impossible to give a reasonable answer at all.

Q: Were such meetings frequent? I mean, meetings of this nature?

A: I have attended two or three large conferences of this kind.

Q: Were other measures taken by the Ministry or by the Fighter Staff, I mean measures which could influence the management of the individual firms?

A: When the Fighter Staff was established, every firm would receive a representative for the plant, a so-called work plenipotentiary. He had complete powers. In the case of the ATG the plenipotentiary was Kechner, a called NEHMER.

(Page 5 of original)

Q: This man held the power to interfere directly in the business management?

A: More particularly, he had the task to supervise the management to give secret reports to the Fighter Staff, to call meetings of executives without asking the management. Besides, the firm had to place a technician at the disposal of the Fighter Staff, and this engineer had to pass on the orders of the Fighter Staff to the firm. The attitude here was not that of a normal, private enterprise at all.

Q: The business management could not issue any orders to the plant plenipotentiary?

A: That was impossible. Only he could issue order to the business management.

Q: Who hired him, who paid him?

A: The plant plenipotentiary, I think, was paid by the Armed Forces District Plenipotentiary, but that is a political institution and not an institution of the Armed Forces.

Q: You say: a political agency. Do you mean an organization of the Party or connected with the Party?

A: The Defense District Plenipotentiaries (Wehrkreisbeauftragter) were delegates of the Party. They were the supervisors of the Armament Inspectorate, and those of course, the Armament Inspectorates, were mere Armed Forces agencies.

Q: You spoke of the plant plenipotentiary, and you also spoke of the technician who had to be placed at the disposal of the Fighter Staff. Now, apart from those two was there another new institution there which influenced the business management?

A: Well, I wouldn't say it influenced the business

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management, but a special labor allocation officer was appointed by the Fighter Staff, who was responsible for the assignment of German and foreign workers; and he too received his instructions from the Plant Plenipotentiary. These, I think, were all the men who came in after the Fighter Staff was founded.

- - - -

I certify to the verbatim and true copy of the above document.

Nuernberg, 31 January 1948 (signed) Dr. Holmut DIX
Defense Counsel

Excerpt from the transcript of
MILITARY TRIBUNAL No. IV, Case V
NUERNBERG, GERMANY, 21 Oct. 1947

(Examination of witness STEER).

Page 8835 - 8836

.....

Dr. FLAUCHSPER:

I am now placing before you Reich Law Gazette, Part 1, No. 82, of 9 September 1943, containing the first implementation order of 6 September 1943 for the Decree Concerning the Concentration of the War Economy. Is this order which gave the Main Committee the legal basis for their directives to the plants?

(The witness is handed a photostatic copy of pages 531 and 532 of the Reich Law Gazette, Part 1, 1943. After examining this document:)

STEER:

Yes.

Dr. FLAUCHSPER:

Now, if an industrialist should have said, before the promulgation of this law: "The Main Committee has no legal basis, I shall do what I please," what would have happened then?

Mr. BARR:

I object to this question. The witness cannot know what might have happened in a hypothetical case. I would not object to the following question: "Do you know of a case where an industrialist refused to obey a directive

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by a Main Committee before the publication of this order?"

Mr. FRIED:

Dr. FLECHSNER, are you willing for the witness to answer the question formulated by Mr. BARR?

Dr. FLECHSNER:

No, for I put my question quite deliberately.

Mr. FRIED:

I admit your question.

SPEER:

The industrialist would have lost his plant. He would have lost every possibility of exerting any influence in his plant. Such cases did occur, but not because of a refusal by the industrialist, but merely brought about by the fact that a plant regularly failed to achieve the production required of it. As an example I might mention the replacement of the plant manager of Krupp-Markstett, whose position was filled against KRUPP's wishes by a Hamburg plant manager. Moreover, I also know that in the United States the Production Minister threatened to take Ford's Willow Run airplane factory away from him, since he often did not meet the production required of him.

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Dr. FLECHSNER:

Do you know of a remark which SAUER is supposed to have made during a meeting of several industrialists in the Ruhr when the latter raised objections: "Gentlemen, do you know what a concentration camp is?"

STEER:

No, I first heard this remark from you, during the IMT trial.

Mr. FRID:

Your example of KRUIT-MARKSTADT does not seem to support your assertion concerning the consequences of a refusal, for in the RUHR case only an employee seems to have been charged.

STEER:

The KRUIT case did not involve any direct refusal which could have been put in a par with wartime sabotage. As a matter of fact, the orders did not go to the industrialist, that is, for example, to the managing board of a Konzern, but rather were sent directly by the Main Committee to the director of the plant, while deliberately avoiding the top of the Konzern. However, it is certain that if an industrialist had refused, he would have lost his enterprise because of wartime sabotage; I do not know of any concrete case.

I certify to the verbatim and true copy of the above document.

Nuernberg, 31 January 1948

Signed: Dr. Robert DIX
Defense Counsel

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Excerpt Copy from:

"The Trial against the Chief of War Criminals before the International Military Tribunal", Nuerenberg 14 November 1945 - 1 October 1946, published in Nuerenberg, Germany 1947-

Volume I, Official Text in the German Language, Introductory Volume.

Page 250.

It was also pleaded by most of the defendants that what they did was done by order of Hitler, and that they therefore cannot be held responsible for acts which they committed in carrying out these orders. In Article 8 the Statute expressly provides:

"The fact that a defendant acted by order of the Government or of a superior is not acceptable as legal excuse but can be considered as reason for mitigating the sentence."

The provisions of this article are in accordance with the law of all nations. That a soldier received the order to kill or to torture in violation of international law, has never been acknowledged as an excuse for such acts of brutality, even though, as provided by the Statute, such order can be considered when the sentence is fixed as a mitigating cause. The really decisive point found with various modifications in the criminal laws of most nations is not the existence of such order but the question whether a choice in accordance with moral laws was actually possible.

.....

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Max Pribilla,
MUNICH 22,
Vaterinuerstrasse 9

MUNICH, 26 January 1948

Opinion on
the Behavior of the German Entrepreneurs in the
Third Reich Considered From the Point of View of
Moral Theology.

By Max Pribilla S.J, Munich

It is evident that Hitler would not have been able to carry out his plans and to bring about this immeasurable disaster if not many millions had arisen to support him in the political, military, and economic fields. Therefore it is beyond doubt that many millions were involved in the objective causing of the disaster. The profound abhorrence prevailing all over the world towards National Socialism its methods, and its crimes might now result in condemning before a court everybody who in any way supported this pernicious system. However, a little consideration suffices to make one repudiate this conclusion as impracticable already because of the large number of persons involved. For practically every German living in the Third Reich did support the system somehow - through paying taxes, through keeping silent, and through serving as official or as soldier.

But because following every catastrophe the cry and cry for the punishment of the guilty persons is raised, one wants to find and punish at least those who were responsible for the system.

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The Nurnberg Tribunals have in a special way been charged with this task, and therefore concern themselves primarily with the political, military, and economic leaders of the Third Reich. Now the peculiar character of the Nurnberg trials lies therein that they are supposed to decide, applying not positively established legal norms or still less the viewpoints of power politics but the general sense of law, and that with the pronounced intention of opening a way into a better future for humanity, and of forestalling any new relapse into barbarism. The intention behind this administration of justice, however, can be accomplished only if the judgments of the court are really in accordance with and can be sanctioned by the general sense of law ; for, if they contradict this sense of law they would be received not as documents of supreme justice, but as instances of the very same policy of force which it is agreed must be done away with. In this decisive hour of history no politically biased but only a fair judgment can exert a purifying effect on the past, and an educational influence on the future.

Since now is the task of moral theology to find exactly those norms for the thinking and the behavior of men, which are based not on actual state legislation but on the nature of the particular case, and therefore

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are in accordance with the general moral sense, it is, by no means inappropriate if also the moral theologian deals with the subject of the "Guernsey trials", and if the lawyer consults also moral theology for an opinion. The subject of moral theology is not only the religious, or purely private sphere, but also the political and economic field - in a moral respect. The reading desk of the moral theologian is placed in direct proximity to the stream of life.

This is the reason why the works of the moral theologians throw light upon the cultural, legal, and economic conditions of past ages.

The sources of cognition of moral theology are reason and the Christian revelation. Since, however, in ethical questions the Christian revelation essentially confirms and illustrates the principles of natural law, moral theology supplies just those general authorities and principles which are wanted; through their inherent power of elucidation they have become the common possession of the entire civilized humanity even beyond the limits of Christianity. In this connection, the doctrines of the great moralists are important, whose combined authority in a way represents a stored-up sum of reason, largely facilitating the finding of the right decision for future generations. Since, on account of the world-wide spreading of the Catholic Church, scholars of the most diverse peoples are working together on the completion of the Catholic moral theology

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in mutual exchange of thoughts, their concurrence, at the same time, offers a guarantee against all one-sidedness which may arise from the variety of national and historical peculiarities.

Since the trials in Nuernberg are criminal proceedings, the present opinion in applying the viewpoints of moral theology can, and also will, be confined to a judgment from the point of view of criminal law. Therefore, it is not a question here of examining whether the behavior of the entrepreneurs was distinguished through political vision, through unselfishness and glow, but our attention will be directed towards the question whether the behavior of the entrepreneurs exceeds the average attitude of the German people to the Nazist system to such an extent as to constitute a punishable offense, so that a criminal prosecution of these men is appropriate in the public interest¹⁾.

In the implementation of criminal proceedings and in the examination of the question of guilt, certain general principles must be considered which are of great importance also in our case.

1.) Since judicial proceedings must reach a final judgment within a relatively short time its subject must be

1) Not revenge but justice for the benefit of the common good must be the object of the examination. Of this Thomas Aquinas says (Summa theol. 2,2 q. 68a. 3c):

"Accusation ordinatur ad bonum commune, quod intenditur per cognitionem criminis; nullus autem nocere alicui, ut bonum commune promoveat."

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restricted to human proportions, to a sharply outlined, not too complicated case history. E.g. ^{it} is impossible for any human tribunal to elucidate the political and moral catastrophe of a people of 70 millions as to causes and guilt. This task will be the work of historians for decades to come; the tribunal, if it once started on this, would see no end of its work.

2.) The ethical judgment of human actions must be based on the knowledge which the acting persons had in the moment of decision; and in the moment of action, and not subsequent knowledge. In our case this must be considered quite particularly, because today we can perceive the entire external course of events since 1933, and are therefore exposed to the danger of presupposing that facts which are now clearly recognized, were equally recognizable in the past.

Therefore, the optical illusion that we simply attribute a knowledge to the persons acting at that time, which is now available to a retrospective observer, must be most carefully avoided as a source of errors. Today we know much more than was known at that time, even by persons not involved. This is the more true, as in the Third Reich a policy of secrecy without public control was pursued. The German people, including partly even the leading classes, had succumbed to an impenetrable obscurity from which many did not wake up until the catastrophe. When a defendant pleads not to have known anything about this or that of what went on at that time, this plea cannot arbitrarily be rejected as incredible.

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3.) A general principle of criminal law provides that, when judging a criminal offense, that law must be applied which was effective at the time of the offense, or of which people were generally and actually aware, but not an ideal law which will perhaps be realized some time in the future. And here the German entrepreneurs may be allowed to expect that they are measured by no stricter standards than the entrepreneurs of other countries. This must not be understood as if the sins of one group could be excused by the sins of another, but people rightly take offense when one is being punished and another remains unpunished, although they behaved in the same way. "A just set of standards is an horror before God" (Proverbs 20,10), and the person who is sentenced could rightly raise the objection against his accusers "Wherein thou judgest another, thou condemnest thyself; since thou doest the same which thou judgest" (Rom.2,1). Indeed, the accuser must himself offer a better example, if his accusation is to be credible and effective. In order to rule out outrageous inequality, the law of reciprocity is therefore generally acknowledged in international law. What is law must always remain the same without consideration of the distribution of power to victors and vanquished.

4.) A fair judgment must consider the ideas in which the people grew up, and the entire milieu in which they live. Though ethical and legal principles are common to all people, the personal and national peculiarities of the individuals influenced their realization and form.

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It would only be an application of this principle if people are not required to possess a knowledge which has no relation to their educational background and vocational field. If according to the opinion of the Swedish Chancellor Oxenstierna and many other people, states are generally ruled with little wisdom, then political vision and introspection^{can} certainly not be expected as a rule of business men. Therefore, it will be advisable to observe much reticence in voicing the subsequent insinuation: "This or that could or must have been anticipated and forestalled." These people are business men who - as everywhere in the world - consider their business and leave the responsibility for political matters to others. Thus e.g.^{it} would come very close to the truth to presuppose no, or a very primitive knowledge, of questions of politics, constitutional and international law on the part of "German industrialists, since these matters were beyond their "competence". Even a high position in business or technical enterprises is by no means identical with political influence, or still less with political introspection.

Specified Charges:

I. The Events Before 1933 .

Whoever knows or personally lived through the history of the Third Reich realizes clearly

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that the gravest and most disastrous errors were committed before 1933. The appointment of Hitler as Reich Chancellor was the beginning of the greatest misfortune which one individual ever brought upon the world. All those who supported Hitler's rise to power have therefore undoubtedly incurred a heavy historical guilt. Also, German entrepreneurs must bear their share of this guilt, in particular those who through abundant donations prior to the "seizure of power" upheld the huge propaganda machine of the Nazis, with which they kept the German people in darkness or under terror. If these economic leaders in an alliance with the democratic minded part of the people had decisively and openly repudiated Hitler as a political swindler, then this "seizure of power" could probably have been prevented. How did it happen that men holding important positions in commerce and industry could allow themselves to be deceived by a man like Hitler, and misjudge his movement so completely? Here undoubtedly a regrettable lack of political wisdom demonstrated itself. But is that a punishable crime? If lack of political wisdom was a crime, then the statesmen and politicians would be badly off. And in the beginning did not even very influential circles in foreign countries misjudge Hitler and his movement entirely, did they not later make him far-reaching concessions instead of offering him determined resistance? Hardly one of the industrial leaders, who at that time supported Hitler, did imagine the actual subsequent development not even as a possibility.

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Although the criminal instincts of Hitler were recognizable already in the period of struggle for those who saw deeper, in the eyes of millions of his followers he was the unselfish, self-sacrificing patriot, and the savior from all distress, as well as the last bulwark against the threatening powers of Communism and Bolshevism. He issued reassuring declarations to all sides, and in his party platform he affirmed in the most solemn words that his party rested on the basis of positive Christianity. It is absolutely possible, indeed, it is probable that many representatives of industry and commerce hoped to be able to use Hitler as an obedient instrument for their business interests. In no country on earth is unselfishness the strong point of industrialists and bankers. Others hoped through Hitler to get rid of the trade unions, etc.

The faults which can be found with the entrepreneurs before 1933 seen in the perspective of those times - are political short-sightedness, selfish economic speculation, political intrigues, donations to the election funds of the party agreeable to them, all such things that are not sufficient to warrant prosecution by criminal law and-mutatis mutandis - happening in all democracies without being liable to punishment.

II. "Co-ordination" and Re-Armament.

From the first years following the "seizure of power" the "co-ordination" and the re-armament must primarily be considered

In the plans of the Nazis, coordination was intended to gain exclusive control of the entire, political and economic machinery of the state, and if possible to remove "nuclei of resistance" (political parties, trade unions, independent unions, free parliament, free press). In the future, the individual was to face the oppressive power of the Party alone - without the protection of an organization - in the case of conflict. That a people, the majority of whom inwardly resisted the Nazi system, adapted itself without serious resistance to this coordination, was a political error of the first degree and fraught with consequences. It was the result of coordination when the Nazis arbitrarily used the governing power for their purposes and were able to commit the most monstrous crimes with impunity. The question as to how such a development was possible and the bases for it is only too justified. The character and history of the Germans clarify the matter.

The German grew up in an authoritarian state, not in a democratic state. The idea that the individual citizen is responsible for the state and must supervise the government of the state is foreign to his national consciousness. On the contrary, the German expects directives from his government for his political thinking and action and is inclined to see his duty and prove his reliability in loyal adherence to these directives.

He longs to be protected and justified by "orders". This spirit of subordination molded the German. In conjunction with an outstanding talent for organization, he made of officialdom in particular that machinery, so admirable in many respects, which is characterized by obedience, zeal for duty, thrift and incorruptibility and which functions with clock-work precision. The apparent or latent basis for this governmental system was Christianity, which was taken for granted as the norm, not necessarily in its dogma, but certainly in its moral demands. Only one thing was not anticipated in this governmental structure, finely organized according to spheres of jurisdiction, and that was the possibility that the entire machinery of government could one day fall into the hands of cut-and-out criminals. With unavoidable necessity, the crisis of the system had to appear in that instant when Christianity relaxed its regulatory influence upon the government and the machinery of the state - released at the same time - became the loot of political adventurers. This was what happened in the "Seizure of power" by National Socialism. The machinery remained, fully intact and well-oiled, but fell under the domination of an entirely different "spirit".

The Germans, of course, noticed - more or less clearly - that "something was rotten in the state of Denmark", but they were pitifully unprepared for this case. And all authoritative sources

which could have clarified the situation were silent. The Nazis had come into power "legally" and were entitled to take the new, surprising measures by the "legally" created Enabling Act. Thus, the Germans continued to apply their old accustomed concepts of legal state and duty of political obedience to the new governmental perversion, and to act accordingly. From this point of view may be understood not only the matter-of-factness but also the lack of friction with which in a short time the Nazis were able to coordinate the entire political and economic machinery of the German people, as if from a switch-board. (Treated in more detail in my book "Germany after the Capitulation". Frankfurt am Main, 1947. Cordus Publishing House, p. 45 ff.)

Undoubtedly there is a very regrettable lack of political insight and free citizenry, but a punishable crime can not be construed from this. Coordination meant the relinquishing of individual rights but as such did not oblige anyone to consent to an injustice of any sort. In addition, Hitler had not yet removed his mask at that time, and no one suspected how matters would actually develop later. Like the rest of the people, the German capitalists also submitted to being coordinated, some willingly, others with wry faces. Thus their hands, too, were tied in the future. That had very serious consequences, for by this coordination all effective safeguards were removed which could have hindered the march to ruin. In the outbreak of the second World War - 51 -

the coordination was to reap its bitterest, most poisonous harvest. This is all historically true, but affords no basis for legal intercession.

The rearmament was objectively, causally and historically the preparation for the second World War. But we must investigate whether a conscious and intentional, and consequently criminal connection may be proved with certainty between rearmament and the actual touching-off of the war in the actions of the persons at that time.

Rearmament is - regarded as such - morally neutral, and may be used for good or for evil, for defense or attack. In political life it can be used as a means of pressure in diplomatic negotiations. When the government of a nation decides to rearm, it will hardly divulge its reasons without reservation, and Hitler was the last person to do this. And in no country of earth is industry obliged to produce and deliver weapons only if it has been previously assured that they will be used only in the service of justice and for purposes of defense. Such an obligation would be thoroughly appropriate for an ideal legislative system, but up to now no such law has ever been issued. Up to now, delivery of weapons, was a business contract for industry, which for the most part involved angle profit.

That great dangers lurk here for peace is obvious. No less a person than the great English statesman Gladstone has called attention to the close interweaving of war industry and the stirring up of war.²⁾ But considering the contemporary status of economic ethics, it is understandable if the German industrialists did not worry about this association and saw good business in rearmament. To all intents and purposes, the attitude of industrialists the world over is the same. If the government of a country - be it democratic or authoritarian - decides to rearm, the industrialists of that country will not refuse to cooperate. For the German capitalists there was the additional factor that the extreme unemployment was alleviated and inequality leveled by rearmament, conditions which had existed in Europe since Versailles; Germany had been disarmed, while the other countries had not fulfilled their obligation to disarm.

That the industrialists know of Hitler's intention of preparing for an aggressive war is a purely arbitrary assumption. Conclusive proof cannot even be produced to the effect that Hitler himself wanted war from the beginning. At that time he repeatedly stressed his love for peace and emphatically repudiated the thought of war. (His book "Mein Kampf", which could have made the blind patriots thoughtful and perceptive, was wide-spread but hardly read and still less considered.)

2) In his book: *Gleanings of past years II* (London 1879)
- 53 - 144 f.

All the laws of probability support the fact that Hitler also lied to the industrialists. Besides, he practiced secrecy to such an extent that even the individual branches of his Party knew nothing of each other. At any rate, the shocked horror of pro-Nazi Fritz Thyssen as Hitler began the war does not indicate any familiarity with his intentions. Therefore, knowledge of Hitler's aggressive plans would have to be proved according to criminal law, not assumed.

But would not the industrialists have had to conclude that there were aggressive plans from the extent of the rearmament? The leaders of powerful economic concerns cannot maintain a subaltern viewpoint, supporting the governmental policy with closed eyes and thinking, moreover, only of their economic advantage. They held important posts, administer large parts of the national resources and must therefore feel responsible for the welfare of the people and the policy of the country. The answer to the above question depends on the type and extent of the rearmament, the knowledge of this and the possibility of drawing conceivable and actual conclusions from this knowledge. A sure judgment about it was possible only to the complete initiated to whom all the facts were available. For the others, however, it was hardly possible, because every weapon can be used in either a defensive war or in a war of aggression, and moreover because under the National Socialist regime only a very few persons in leading political and military positions

had a comprehensive picture of the entire armament situation, and finally opinions will always differ as to what armament is necessary for defending the country in a certain political constellation, i.e., for a powerful country in as difficult a geographic-military situation, as is the case with Germany. For the German situation there is the additional important factor that in Germany there are very many outstanding specialists in the most varied fields, but only very few men who have or even attempt to achieve a comprehensive picture of the situation. To be proficient in my field and within its sphere of applicability, this is the ambition of the German, which is mitigated by his being able to leave everything else to others. Hitler, who knew how to make skillful use of the German character, adapted himself to this situation and assigned their limited duties to each individual profession, while he reserved for himself and himself alone the right to direct the course as a whole. Unceasingly, Goebbels' propaganda hammered into the German people the fact that this was the only correct way, since it was well-known that the people cannot have a complete picture of political and economic affinities; the Fuehrer alone could do this. Just as the Generals were for the most part simply technicians in their field and politically speaking resembled helpless children, the judgment concerning the leaders of industry of H. Schlingensiefen. ("The Day After", Hamburg 1946, 36) applies here: - 55 -

"A great many of our industrialists have no stable idea of politics or even of economic policy: they are oriented purely with a view to business opportunities only rarely will one find individuals who are endowed with a clear perspective of the political and economic affinities."

It is thus entirely credible that the German industrialists had no reliable, general overall picture of the type and degree of rearmament and of its purpose, and did not try to gain it under the domination of National Socialist methods could not gain precise knowledge. Thus, they rearmad, without clearly considering the purpose of rearmament. That this is a serious political error is incontestable. But this political error, under the circumstances described and now probably well-known, cannot be considered a punishable act, unless one arrives - think of the officers and soldiers as well - at a mass incrimination which would be untenable from a moral standpoint.

III. war deliveries and non-resistance.

Touching off the second World War was the most frightful Crime of the Nazis, and at the same time the source of the most outrageous injustices and immeasurable suffering. The German industrialists supported this war by their work and their deliveries. Again the question must be asked as to whether they consciously involved themselves in guilt by doing this. In order to

Answer this, it is necessary to comprehend the situation of the German people as a whole at the beginning of the war and during the war: for the situation of the German industrialists cannot be separated from the situation in its entirety. At the same time, the moral theological principles which apply to the conduct of the people in war must be described.

In order to give a clearer and more effective form to the argumentation, we will not prove here, but will assume as proved that Hitler's war was objectively unjust from the very beginning. Concerning the fact that the starting of an unjust war, especially considering present-day war technology, is a monstrous crime, we need waste no words. Therefore, it is the unanimous doctrine of all moral theologians that no one - let it cost what it will - may contribute to the conduct of an obviously unjust war. Ideally speaking, this is clear and uncontested. And yet, - as far as I know - all history up to now offers no example of the refusal of a people to render military service and other auxiliary services following his government's declaration of war, because the war was unjust. This is food for thought. How may it be explained?

To the conduct of war belongs the propagandistic preparation for war as well, which had its antecedents in the war-like speeches of Homeric heroes before the duel and which in our time the Nazis certainly did not lack. The result of this is that when a war breaks out, a very thick fog is for the most part spread over the question of legality. The situation of the people at
of legality.

the beginning of a war is thus, in practice, as Shakespeare described it in his "Henry the Fifth" (fourth act, first scene) with incomparable accuracy and brevity. The King goes - unrecognized as such through the camp before the battle and talks with soldiers, who are discussing the responsibility of the King and their own uncertain fate. The King says: "Methinks I could not die anywhere so contented as in the King's company: his cause being just and his quarrel honourable." The one soldier answers him: "That's not then we know." And the other adds: "Ay, or more than we should seek after: for we know enough, if we know we are the King's subjects: if his cause be wrong, our obedience to the King wipes the crime of it out of us." 3)

Just as these simple soldiers, so do most people think who are ordered off to war, if they reflect at all about their conscription. They agree in this case with the general doctrines of moral theology.

3) (Translator's note: footnote is English translation of text of Henry the Fifth.)

Thas H. Sinar (future Archbishop of Cologne) writes in his "Handbook of Moral Theology" (Fribourg 1893, p. 409) "Whenever there exists a doubt about the justification of a war (which will generally be the case with the bulk of the population who have no direct connection with the conduct of public affairs), every soldier may and must wholeheartedly follow the call of his war-lord. He (the war-lord) bears the responsibility." Luther's decision in this case was exactly the same. 4)

But may this principle of the moralists be indiscriminately applied also to Hitler's war? Cardinal Co. Lago (doc. 1860), one of the greatest catholic moral theologian has already given fair warning of a too liberal interpretation of this principle, as trust in the ruler, although often justified, was by no means always and everywhere enough to satisfy one's conscience about the justification of war, especially where the ruler has already given occasion for serious misgivings before. 5) Was that not the case with Hitler? Hitler had, up to the beginning of the war,

4) See: "Of worldly authority and the allegiance due to it" 1523 (WA = Volmar edition II, 277 f.) and "On the question whether warriors can also attain salvation." (WA 10, 656 f)

5) De iustitia et iure, disput. 18 n. 21: "Quando enim aliunde scio principem posse pro libito precipere turpia, homicidia, furta et similia, sine ulla prorsus attentione ad licitum, quando possum ex more praeccepto principis credere quod iustum sit id, quod praecipit?"

given to many proofs of his deceit and brutality that no intelligent person had the right to simply believe his statement of an imposed war. It was only too obvious that for Hitler war was not ultima ratio. What then, is the real explanation of the attitude of the German people at the outbreak of war?

Once more, Hitler's fanatical followers believed his words, or forced themselves to believe in them; they echoed his phrases of our just cause and our just war. But many others were doubtful and had the severest doubts which could not be allayed objectively, especially as open discussion had been made impossible and no authoritative voices were to be heard. If even these sceptics finally made up their minds to obey orders they were decided by two main reasons:

- 1) The general opinion that - whatever might have been the justification and injustice of the war - there was nothing left for the individual to do in this desperate situation but to follow orders from the "legal" government, and to leave all responsibility to it.
- 2.) The clearly recognised state of emergency, in which refusal to serve in the army or to do emergency duty would have meant concentration camp or death.

But even those who - although not directly concerned - saw through the whole situation and were convinced of the injustice of the war, held their peace because

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1.) without inside knowledge of the diplomatic negotiations they were unable to furnish strict documentary proof of the injustice of the war;

2) Because, they did not wish to hamper the bonafides of those who were immediately affected and drive them into a conflict, out of which remained only martyrdom as the morally unobjectionable escape - i.e. emigration (Fritz Thyssen), which was at that time open to very few people only, and included the danger of family reprisals.

3) because open confession would have been like raising a feeble voice against a tempest, and would have caused their own certain ruin.

It would, however, in no way be giving a correct idea of the German situation, if one would take it for granted that most of the Germans consciously made such deliberations; they made and felt them instinctively. God only knows how many souls were torn in inner conflict, because they had to fight for a cause which they inwardly despised. What could be observed from the outside was the complete lack of discussions and the natural way in which they all - with a very few exceptions only - joined the ranks when they were "called up". It is therefore not at all astonishing, but simply an echo of the general attitude, if the German industrialist who felt the pressure of the general situation as much as everybody else, put their plants - whether large or small - at the disposal of the war machine, as ordered. And as no case is being made against the generals for their participation in the conduct of war as such, the same

will have to apply to participation in economic warfare. I have never come across the statement that the industrialists or some of them had urged Hitler to make war, and I am therefore not taking any notice of it; it is fundamentally improbable to such an extent that it would have to be very systematically proved.

But the general situation changed in the course of the war years. There arrived a moment, when even the eyes of the blind were forced open because the criminal nature of National Socialism revealed itself more and more clearly. Most of all was it clear that the war which had already been lost was foolishly carried on, ruining the German people and to the detriment of all the other peoples for the sole purpose of delaying the fall of the Nazi bigwigs. Why was it that even then no widespread resistance started? Why did the industrialists go on with their war contracts?

Apart from the still effective power of the decisions taken at the time of the beginning of the war, this can be

explained by two reasons:

1) the hopelessness of the resistance. A more and more paradoxical situation had developed in the Third Reich.

The more it became clear that Hitler had broken faith with his followers and abused the powers vested in him, the stronger became the power of the Nazi-party, which made all resistance impossible, or at the least hopeless. Effective resistance could then only have been started by the Wehrmacht. However, the generals in their majority refused to take upon

themselves the task of overthrowing the Nazi-system. (One must however add in all fairness that this task - unheard of in the entire German history - of a rebellion against the supreme war-lord in the middle of a war - was completely beyond the traditional horizon of the German generals). And in such a way, the German people became more and more the prey of a listless fatalism which believed that no brakes can be put on a train hurtling into an abyss. They obeyed automatically, let things go as they would, and expected the whole to end in a catastrophe and the arrival of the Allied Forces. In addition to this there existed

3) a great ignorance about the moral justification of active resistance against State-authority. This is a morally and juridically much discussed question. There exists a great theological tradition in the Catholic Church (which I have made my own), permitting active resistance against abuse of State-authority as a last resort. But there are also, especially in more recent times, a great number of Catholic theologians who declare this to be definitely inadmissible. Thus Anton Koch (Handbook of Moral Theology, Fribourg 1910 p. 74) says "Never, not even on the basis of an unjust legislation, can there exist a right or a duty to revolt against a legitimate government." Also, Joh. Brugger (Catholic

Moral Theology ³¹ Fribourg 1902 p. 356) says "No revolt no active resistance is allowed against unjust and bad regents who are suppressing the people but whose authority is strictly legal There is no appeal possible for the oppressed and terrorised population, but that to the king

of kings which is GOD." But as a considerable majority of the German industrialists are members of the Protestant Church,, it is more important still that German Lutheranism opposes completely every active resistance against the state-authority (see "Religion Past and Present" ²IV. Tübingen 1930, 2008). In this connection a significant difference must be noted: In German protestantism, Lutheranism (with its rejection of the right to active resistance) is predominant, whereas in English and American protestantism the reformed sect created by Calvin is predominant and definitely confirms the right to resistance. Chr. Ernst Luthardt says in his "History of Christian Ethics" II Leipzig, 1893) 3.80 (about the reformed Church "It is a basic attitude entirely different from that of Luther and the German trend of thought; there reigns unmistakably from the very outset distrust and opposition against worldly government, which is alien to the German way of thinking." This difference which can be explained from historical developments on the two shores of the Atlantic has exerted a great influence also on the political judgment and evolution of the law. In North America the right of opposition has found its way into the constitution or the thinking underlying the constitution of the individual States via Calvinism, and for purposes of the preservation of religious freedom. Thus we read in the "Declaration" of Maryland of 11 November 1776 "The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind." On 9 February

1775 a proclamation of the Continental Congress of Massachusetts declares the resistance of a people against tyrannical oppression to be so far from criminal that "in the contrary, it becomes the Christian and social duty of every individual". (see Hegemann. The Declaration of the Rights of Man and Citizens in the First American State-Constitution: Historical studies, edited by Sporing 78, 1910). Interpretation and development in the more recent history of Germany is an entirely different one, as we here find a definite leaning towards statesorfdon. ((Kent too has declared active resistance to be definitely not permissible and declared it to be the duty of the people to "suffer even abuses of authoritative powers even though considered unbearable" : (Metaphysical elements of jurisprudence part II chapter 5;2nd edition, 1798, p. 206)). In addition to this religious motivation there is also to be considered the local positivism which reigned up to a short time ago in German universities that unqualifiedly rejected the right of resistance against the power of the state. In the Germany of the 19th century and the beginning of the 20th century active resistance against the supreme power of the state was considered revolution. There could be a question of revolutionary activities only for socialists and communists, but certainly not for "persons of education and property," which included the German industrialists. It will undoubtedly be difficult for American judges to understand this German mentality, but in judging German defendants we will have to take it as a basis. It is not necessary for our purposes to discuss this elaborate question in detail. The conclusion which we will have to draw from the above said, considering it from the angle of criminal, 185 -

is compelling. One may consider the failure of putting up active resistance against the Nazi-regime preposterous and ruinous - but as long as highly esteemed theologians and jurists proclaim such resistance as being absolutely nonpermissible, the omission of such resistance cannot be held against anybody as a punishable crime. The defendants can also refer to Hugo GROTIUS' saying that "nobody may be forced to do what he is not allowed to do." 6)

It was impossible to organise passive resistance to any considerable degree, because there were spies in every plant. Every attempt at it was quelled with ruthless severity.

Thus the position of the German people during the war was extraordinary, even "unique". A very large percentage of the people - perhaps the majority - did not, from the very beginning, consider the war as their war, but as that of the Nazis; nevertheless they fought it and gave their lives. This is truly a phenomenon full of contradictions. Whoever wishes to pass fair judgment here will have to keep in mind the most diverse materialistic and spiritual, political and social circumstances. The judgment is so difficult, because all ordinary standards fail us here. It would seem difficult anyway to bring some clarity into these dark, involved conditions by way of criminal procedure.

6) De iure belli et pacis III cap. I par. 21: "Quidquid alicui facere non licet, ad id eum impellere aut sollicitare non liceat."

IV. Employment of deported foreign workers
and concentration camp inmates.

Nothing need to be said about the institution and nature of concentration camps. Horrible things are reported from wherever there exist concentration camps. But deportation of so-called "free" foreign labor too given rise to inhuman cruelties. It seems inhuman to the highest degree to drag people out of their homes and their own country to deport them to some far distant land, where they are put to work for the enemy of their own country. But is there

such a thing as internationally recognized respect for human rights and human dignity? Is it internationally safeguarded? ~~Why~~ it makes one think if one reads in the proclamation of the Control Council No. 2 of 20 September 1945 (i.e. after the termination of military activities) "For such purposes (of reparations) the German authorities will have to make labor available inside and outside of Germany." From this we would seem justified in assuming that the Allies do not consider deportation of labor to another country in itself non-permissible, as an immoral means may not be used even for retaliation measures.

However, as in giving my expert opinion I have only to concern myself with the industrialists, this exposition need not go into this, and similar legal questions which are of the utmost importance for the consideration of ~~de~~ de lege ferenda; for the institution and management of the concentration camps as well as the ordering and the

carrying out of the deportation was completely in the hands of political employees, upon whom the industrialists had no influence whatever. The dictatorial direction of labor and labor-allocation by the party-ruled State does not grant the Entrepreneurs and their plant managers any liberty. They were forced to apply for labor or accept it in order to enable them to fulfil their contracts. A refusal or hesitation on their part would have given rise to suspicion of an attitude "prejudicial" to the State and sabotaging the war-effort, which was punished most severely. There was therefore a true emergency state which excludes all possibilities of criminal prosecution, even though the employment of these laborers might have been unjust. However, in reality especially the concentration camp inmates considered employment in industry as an improvement in their difficult situation, and endeavored to stay there.

With a view to criminal law the only question to be examined will be that of whether in the employment and treatment of foreign laborers and concentration camp inmates in industrial plants there occurred deliberate maltreatments and killings, and whether severe offenses against the laws of humanity had been committed in housing and feeding these people etc. If this question must be answered in the affirmative, criminal prosecution is justified and is consistent with the accepted moral standards. Here negligence in

the supervision of the plant or in the implementation of a measure might be punishable according to the strict laws prevailing in normal times; but in view of the extraordinary conditions under the Nazi-regime and during the war, and because the industrial leaders and the plant managers were working under such pressure, it would seem pretty and pedantic, if not actually malicious, now that all is over to apply such rigorous standards arbitrarily.

Summary of my Thesis.

My moral-theological opinion therefore is the following: punishment of all those who have knowingly and willingly furthered the criminal plans of the Nazis to a considerable extent, and thus have been proved guilty of violating the generally acknowledged moral standards, but no punishment should be meted out against individuals for conduct which was nothing more than the conduct of the masses. I do not thereby wish to imply a justification of German industrialists who shared to a considerable degree the shortcomings of the masses (lack of political insight, lack of pluck, lack of resistance), but in this way the suspicion will be allayed as though individuals had been selected arbitrarily from vast numbers of people, and sent into the desert as scapegoats to atone for the horrible world historical events which cannot be judged according to any human laws. The historian Friedrich MEINEKE doubts whether one will ever be able to understand the monstrous

happenings in the Third Reich. (The German Catastrophe, Wiesbaden, 1946 p. 5). No human court ought, therefore, to make the vain attempt at unravelling this complicated, hopelessly entangled ball and snatch it, so to speak, away from history; historical guilt cannot be codified in legal statutes.

Such historical events of the greatest importance are atoned for in quite another way. Failure to make the right political and economical decision embody their own immanent sanction. The German entrepreneurs, particularly the powerful industrialists have, by following Hitler, suffered severe losses, find themselves divested of all power and their life's work destroyed, not to speak of the suffering and the degradation which are the inheritance of a conquered people.

In final consideration of my thesis it impresses me as a contemporary commentary to the words which a holy and also politically outstanding Pope made in an also confused and turbulent era, in the middle of the storms of the great migration. One must ascribe special importance to these words, because they were included in the "Corpus iuris canonici" and therefore recommended to all jurists as a shining example. Innocence I (401-417) writes in his letter of 13 December 414 to the bishops of Macedonia: "It often happens that, if whole

peoples so great masses have sinned, much goes unpunished, as it is impossible to haul so great a number before a court of justice. In such cases, past sins will be left to the judgment of GOD, but prepare most meticulously for any future recurrences. "7)

It is not improbable that our time will disprove the truth of this advice.

7) Epist. 17, c. 6 n. 13: "Sed, ut saepe accidit, quoties a populo aut a turba peccatur, quis in omnes propter multitudinem vindicari non potest, inultum scilicet transire, priora dimittenda dico Dei indicio et de reliquo maxima sollicitudine praeevendum." Signe, Ietologia Latina 20.535; in "Corpus Juris Canonici"; Decreti Secunda Pars. Causa I, Questio VII c. XIV (ed. Friedberg 1879, I 433).

This is herewith certified to be the verbatim and true copy of the above document.

Nuernberg, 1 February 1948

signed Dr. Holmut DIX
Defense Counsel

Case 6
Defense

DOCUMENT BOOK

for

Dr. Christian Schneider

No. 8

Submitted by
Defense Counsel

Dr. Hellmuth Dix

Hung



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for Dr. Christian Schneider

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206		<p>Affidavit Dr. Ing. Hermann Zorn of 22.7.47, Director of the Research-laboratory in Leuna on the person of Dr. Schneider.</p> <p>"I came to know him as a just and right thinking man of an absolutely upright and truth-loving disposition who was endowed with marked and comprehensive social understanding as well as a deep feeling for everything human. On account of these characteristics which were particularly marked in his case he enjoyed unusual popularity with all those in the plant who came into contact with him. His calm nature which required calmness as well as his reserve towards everything that attracted public attention earned him special esteem in all eyes".</p> <p>"In his conception of welfare of the staff he made no distinction as far as I could observe between German and Foreign workers. He sincerely tried to show the foreign workers compulsorily assigned to the plant by the state in spite of the difficulties that grew with each year of war, that they were working as guests in one of the most distinguished enterprises of German industry and one that was endowed with the greatest social understanding."</p>	1 - 2
192		<p>Affidavit Dr. Franz Sabol, formerly Division Chief and Procurist in Leuna of 20.11. 47 on the person of Dr. Schneider and his conduct during the time of the national socialist regime, particularly in regard to political persecutions and foreign workers.</p> <p>"Dr. Schneider was not interested in politics. He would have devoted himself, I am convinced, to the plant and the I.G. in the same way also under different circumstances conditioned by time. At many discussions in the circle of his collaborators and departmental heads and also in occasional talks to the staff, I always got the impression that Dr. Schneider rather feared than advocated war; and when war came I never heard him speak in favor of the war."</p> <p>"Dr. Schneider when he joined the Party had already been director of the Leunawerke for years; after he joined the Party he always acted in a just and conciliatory manner without exception and both in professional and private life he made no distinction between Party and non-Party members. I can remember</p>	

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192		quite a number of cases in which Dr. Schneider threw all the weight of his position into the cause of non-Party members when the latter were persecuted by the Gestapo. As an example I would mention a master-workman in my Department who was locked up by the Gestapo for a few months on account of his anti-Hitler attitude and whose continued employment in the works was forbidden. (Master-workman Janoschka, Winkleranlage). After the spell of a year approximately, Dr. Schneider personally reinstated this master-workman granting him his old rights in full. As a further example I would mention a Chief-caster of my Department (Chief-caster Hauer, Gas-Fabrik) who was to be punished because of his anti-Nazi attitude by the plotting of the shop-committee and removed from his important position. Then the Betriebsführer concerned and I remonstrated. Dr. Schneider resolved not to give in to the suggestions of the shop-committee and to protect the Chief-caster in his position in opposition to the shop-committee. As a further example I mention myself. Dr. Schneider supported me with all means at his disposal when the Gestapo persecuted me because I did not allow my children to join the Hitler Youth because of my aversion to the trend of the times; I am convinced that I escaped arrest by the Gestapo for the second time mainly because of the stand taken by Dr. Schneider apart from my own foresight."	
		"These three camps were models in every respect and that goes too for accommodation, beds, linen and sanitary installations as well as for entertainment during free time. Feeding was considerably better than the standard of feeding of the German normal consumer at that time. I can form an opinion on these conditions because during the First World War I had to live for four years in the most varied communal quarters. I remember once a discussion in which Dr. Schneider personally gave instructions for the scrupulous care of the foreign workers. Apart from that, I know that it was at the instigation of Dr. Schneider that towards the end of the war the so-called "B.-Häftlinge" were employed in the plant that the SS-Führung in Halle was induced to grant these people better feeding and longer sleeping hours."	

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193		<p>Affidavit Dr. Ing. Hans Sauer, formerly Leuna, of 10.10. on the person of Dr. Schneider and his attitude towards armament measures and the employment of foreign workers. He knows the defendant for over 30 years.</p> <p>"Herr Schneider was always an enemy of war. Scientific and technical advances in production constituted predominantly the focus of his activity. The goal of his work was purely peace-like. Support of armament or war production was never urged on by him on his own initiative. Insofar as the Leunawerke produced for armaments and war this resulted organically from the tasks of the chemical industry as they fell in particular to the Leunawerke. The process technique with hydrogen at high pressure and a high temperature affecting catalysts which was highly developed in the Leunawerke is the general basis for the main products manufactured there, ammonia, methanol, petrol or fuel. Dr. Schneider saw his time fully occupied with the tasks the Leunawerke gave him locally and he expressed his satisfaction to me repeatedly that he was spared by central offices in Berlin which would frequently send him on journeys."</p> <p>"Air raid and mobilization matters were not the product of Dr. Schneider's initiative but were ordered by superior state authorities."....</p> <p>"Right from the start Herr Schneider accepted very half heartedly the order to employ foreign workers, an order which upset all previous principles. And yet there was no possibility of refusing this recruiting for foreign labor."</p> <p>"He never made himself guilty of anything towards foreigners. I was by chance witness of his violent reaction when he learned that a foreign worker was supposed to have been beaten by a member of the factory guard. Immediately Herr Schneider threw all the weight of his personality into an effort to prevent a recurrence of a thing of the kind. From time to time, too, Herr Schneider personally visited the camps where the workers resided which were of necessity always on the increase, went into the rooms and questioned camp-inmates and again and again exerted himself in favor of orderly treatment of the male and female workers of all nationalities. When, after the big air-attacks on Leuna almost all the staff had to be taken to an fire with substitute buses Herr Schneider for instance frequently made his appearance</p>	

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	when the buses were being boarded to get on and to the abuses he had heard of. All this was in keeping with his inner attitude as well as the marked sense of justice of Herr Schneider and his guiding principle that only a decently treated and contented man can do regular and productive work."	7 - 11
153	Affidavit Dr. Ferdinand Borkner of 20.1.48, formerly collaborator of Dr. Schneider in social policy matters of the I.G. on the person and great social understanding of the latter and his conflict with the German Workers Front because of vocational training questions.	12 - 15
181	Affidavit by Dr. F. Borker in Bonn of 19.8.46 on Dr. Schneider, whom he has known for almost 30 years.	16 - 17
21	Affidavit by Dr. Edward Scheunberg, director of the legal division in Bonn of 24.10.47 on the person of Dr. Schneider. "Soon I recognized in him a superior unusually social and just thinking, always considerate for the welfare of the workers entrusted to him",... "This conciliatory and peace-seeking nature of his, which above all later became predominant in him as work-manager, and his great understanding for the interests of the plant working men were surely a co-determining factor for his appointment as Social Director for the whole I.G. Farbenindustrie".	18 - 20
168	Certificate by the Vice-president Willy Dorsching of the Chamber of Industry and Commerce Halle on the basis for recommendation of 31.8.46 on the reelection of Dr. Schneider as Vice-president of the Chamber of Industry and Commerce Halle, in May 1945 with approval by the American authorities. The certificate refers to the fact that no function was connected with the title of a <i>Wohlfahrtsführer</i> .	21
174	Photo-copy of a certificate by the Community Church Council of the Evangelical Church community in Bonn of 26.4.46, according to which Dr. Schneider in spite of the conflicts between church and Party and the separation of various members from the church council for Party-reasons, remained a member of the Church Community Council from 1936-45.	22

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202		Photo-copy of an affidavit of 17.8.46, by persons employed for years at the estate of Dr. Schneider in Wilhelminenhof, Grosskoseritz, District Teltow, namely the couples Otto and Anne Reimer, Adolf Schwarz, Anna Bulisch, Hans and Ingrid Stahnke, Gertrud Schwarz, Maria Liemann, particularly in regard to the good care which Dr. Schneider took for them as the owner of the estate. (It is referred to the fact that in August 1946 Wilhelminenhof belonged to the Russian zone of occupation).	23 - 24
134		Affidavit Dr. Karl Holdermann of 27.1.48 on those patented inventions which Dr. Schneider made himself or in community with others. (The 30 printed pages of the original patent documents attached to the affidavit are not submitted in evidence so as to spare especially the Translation branch this additional work).	25 - 28
140		Two Photocopies on the conference of the Nitrogen experts in Ludwigshafen on the Rhine, of 12.10. and 7.12.32, according to which already then the big plants Oppau and Leuna had large forces of workers employed.	29 - 32
158		Affidavit Dr. Kurt Hartmann of 6.10. 47, together with 2 enclosures. In one chart (Chart I) the development of production and distribution of nitrogen in Germany and of the I.G. is depicted as well as the relation between the national economic and defense economic importance of this branch of production. On another chart (Chart II) the development of the use and the synthetic manufacture of mineral oils in Germany resp. in the I.G. and therewith the surpassing economic importance of this economic branch is depicted.	33 - 34

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116		Excerpt from the protocol of the nitrogen conference in Leuna of 25.3.1938 among other matters on the sales and market situation of technical nitrogen. "Thus, while the own requirements have remained stationary and the requirements of the affiliated plants even slightly increased, the sales of the I.G. within the syndicate declined by nearly 30 p.c.. This decline is mainly due to nitrous acid; the requirements in April are smaller by no less than 30 p.c. compared with the maximum quantity."	35 - 37
117		Excerpt from the special session of the Hauptgruppe I in Leuna on 25.8.39 Shortly prior to the outbreak of war the nitrogen manufacturers of the I.G. discussed a 5 year plan on the basis of negotiations between the nitrogen syndicate and the Reich Food Estate and the Reich Food Ministry which provided for an increase in nitrogen fertilizer from 715.000 tons per year to 1000.000 tons per year.	38 - 40
159		Affidavit Dr. Kurt Hartmann of 7.10. 1947 On hand of a short the development of the production of synthetic methanol of the I.G. and the relation between national economic and defense economic importance depicted.	41 - 42
189		Affidavit Dr. Alvin Mittasch of 23.9. 1947 on the importance of the fundamental American patent Mittasch / Schneider regarding the coal-Oxide-Hydrogen synthesis.	43 - 44
186		Affidavit Dr. Karl Holdermann of 23.9.1947 on the same subject with particular reference to the patent Mittasch/Schneider for the methanol production in USA. "I likewise handled the patent for the same invention in Germany and in other countries. I was always aware of the fact that this concerned a fundamentally new, highly interesting and promising invention.".... "Because of its great importance it was frequently discussed in detail abroad, as I saw from the many American and British technical periodicals which read regularly at that time"....	

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186		"The invention of the process of synthesizing methanol, which has come to be of the greatest technical importance and in which also a mixture of carbonic oxide and hydrogen is subjected to high pressure while using catalysts of the special type mentioned in patent 1 201 850, depends on this patent, as is also confirmed in the enclosed article".	45 - 51
155		Affidavit Dr. Kurt Hartmann of 8.9. 1947, on the collaboration of Sparte I with the WISC in the field of the Hako directed by the authorities, Procurement of the preparatory installations for this product, the execution of concluded agreements.	52 - 54 A
156		Affidavit Dr. Kurt Hartmann of 10.9. 1947, together with 2 enclosures. Survey on the development of the agreements regarding Wifo installations and the development of production of the Hako installations managed by the I.G.	55 - 58
115		Excerpt from the nitrogen conference in Berlin on 17.12. 1936. "The English War Office addressed an inquiry to the Bergr concerning the erection of three nitric acid plants for 25 tons HNO_3 per year each. The primary nitrogen is to be supplied by ICI for the first plant, but it is intended to erect a proper synthesis plant. If necessary, the I.G. in agreement with the ICI will likewise make its synthesis process available here.	59 - 61
142		Affidavit Paul Grimmel of 27.1. 48, on the fact that the gallery system in Bielefeld-Gelsenwerken was established on direction by Reich authorities.	62 - 65
152		Affidavit Dr. Heinrich Diekmann of 21.1.48 regarding the defense in the I.G., especially its conflict with military authorities and regarding the fact that Dr. Schneider has accepted and exercised the position of Hauptabwehrbeauftragter only with repugnance, especially with respect to the intelligence service.	66 - 73
137		Affidavit Dr. Guenther Frank-Fahle of 19.1. 48 on the appointment of Dr. Schneider as Hauptabwehrbeauftragter and on the fact that only at this trial did Dr. Frank-Fahle learn of Schneider's contributing membership in the SS.	74 - 75

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256		Affidavit Albrecht Focke of 22.8. 1947 (prosecution evidence VI 10422 Vol. 49) not submitted by the Prosecution, on the collaboration of I.G. with the CW Defense. "The above mentioned activities in connection with I.G. Farben took place, to a small extent, before the war and to a somewhat larger extent during the war. I wish to state, in this respect, that I, as a counter intelligence officer, often was dissatisfied with their collaboration, as it should, in my opinion (the opinion of a counter intelligence officer) have yielded better results. It must be said also that between me and the above mentioned leading men of the I.G. there were often vehement conflicts in regard to this work, as these men feared for their economic interests in case of a misstep, and in some cases therefore not willing to cooperate for these same economic reasons."	75 - 79
224		Excerpt from the DET Trial of 14.11. 45 and 1. 10. 46, according to which members of the defense do not belong to the Criminal SD.	80
113		Excerpt from the official gazette of the Basco Ministry for political liberation No. 4 year 1, 1947, P. 3 (comp. fig. 203 of the Basic Field Manual and Rules of Land Warfare - Washington: 1940)	81
175		Affidavit Dr. Reinhard Goldberg of 20.10.47, on the tasks of the bureau of espionage I, relations of the Bureau to the Military Liaison Office 7.	82 - 85
180		Affidavit Dr. Friedrich Hennig of 24.11.1947 on the espionage subject for Louisa and the reserve/by the leading men of the plant in regard to this display	86 - 88
199		Affidavit Dr. Heinrich Strenbeck of 2.10. 1947 on the events at the workroom, event Louisa before and after the start of war and Schneider's conduct thereby.	89 - 90
203		Affidavit Dr. Carl Kullif of 13.1. 48 on his and Dr. Schneider's appointment as Wehrwirtschafts- führer and the nature of this event as a mere titulation.	91 - 92

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176		Affidavit Dr. Otto Graf of 2.9.1947 (To be added Exh. 3 from case 5) on the same subject. "During the war, Goering at first began to appoint persons to military economy leaders who had a meritorious record, especially in the promotion of the Luftwaffe and later also on the rest of the armament industry. In this case it was no longer an assignment of persons for special tasks but a recognition for completed services. This military economic leader, contrary to the military economic leader mentioned in paragraph 2, constituted solely a special title and has always been called a "Korpsdienst" by the economic administration".	93 - 95
154		Affidavit Dr. Kurt Hartmann of 10.8.47 on the French production agreement of I.G. for "GMI" concluded as a normal business transaction.	96 - 98
160		Affidavit Dr. Kurt Hartmann of 10.10. 47 on the fact that GMI was not "poison gas", (Compro Prosecution document VI - 5633)	99 - 100

DOCUMENT BOOK VIII SCHENCK

I testify that all the documents contained in this
Document Book agree word for word with the documents handed
over to the Court.

Hastings, 7 February 1948

(Dr. Hellmuth D i x)

Affidavit.

I, Dr. Ing. Hermann Zorn, Rosenthal, District Kassel, House No. 229, have been duly warned that I render myself liable to punishment by delivering up a false affidavit. I declare on oath that my statement corresponds to the truth and was made to be submitted as evidence to Military Tribunal VI in the Palace of Justice, Nuremberg, Germany.

I have been acquainted with Herr Dr. Christian Schneider since 1929. I became acquainted with him then because I was working temporarily in Leuna in an experimental works for synthetic lubricants. Dr. Schneider took a special interest in these experiments because in the first World War he himself had developed and managed a plant producing synthetic lubricants.

Then when I moved completely to Leuna in the autumn of 1938, as director of a research laboratory, I naturally came into closer contact with him. I came to know him as a just and right thinking man of an absolutely upright and truth-loving disposition who was endowed with marked and comprehensive social understanding as well as a deep feeling for everything human. On account of these characteristics which were particularly marked in his case, he enjoyed unusual popularity with all those in the works who came into contact with him. His calm nature which inspired calmness, as well as his reserve towards everything that attracted public attention, earned him special esteem in all eyes.

It was therefore quite understandable that he kept as far away from the noisy doings of the NSDAP and its leaders as over his position as

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director of the big Leuna works permitted at all. As regards politics, he took only those steps which he regarded, because of the political situation, as absolutely essential for the conservation and promotion of the vital interests of the works and well-being of all the staff. It was his continual endeavour sincerely and conscientiously to find a just compromise between the demands of the works and those of party politics, in doing which his first concern was always the welfare of the beloved works and the staff. In the conception, well-being of the staff, he made no distinction, as far as I could observe, between German and foreign workers. He tried sincerely to show the foreign workers compulsorily assigned to the works by the State, in spite of the difficulties that grew with each year of war, that they were working as guests in one of the most distinguished undertakings of German industry and one that was endowed with the greatest social understanding.

Rosenthal District Kassel, 22 July 1947

Dr. Hermann Zorn

(Dr. Ing. Hermann Zorn)

The above signature recognized by me and executed by the hand of Dr. Ing. Hermann Zorn, residing in Rosenthal District Kassel, House No. 229, before me, Dr. Heinz Reintges, on 25 July 47, in Krefeld-Uerdingen as hereby certified and attested by me.

Krefeld-Uerdingen, 25 July 1947

signed: Dr. Heinz Reintges
Dr. Heinz Reintges

Attorney

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Affidavit.

Concerning Dr. Christian Schneider I must say the following:
I have known Dr. Schneider since 1919. My professional activity as Betriebsführer and later as departmental head and Prokurist of the Leunawerke was always carried on in connection with Dr. Schneider's activity. Further, there were private dealings with Dr. Schneider. Therefore, I am in a position to pass judgment on his character, his behaviour and his actions both before and during the Hitler period.

The main characteristic of Dr. Schneider since I knew him was always that the prosperity of the Leunawerke and the business interests of the I.G. were his whole life. His interest was in technical science, especially research, and careful, humane management of workers and collaborators for whose well-being he exerted himself at all times. Dr. Schneider was not interested in politics. He would have exerted himself for the plant and the I.G. in the same way, I am convinced, even in other circumstances conditioned by ^{the} time. At many discussions in the circle of his collaborators and departmental heads and also on the occasion of talks to the staff, I always got the impression that Dr. Schneider rather feared than advocated a war; and then when war came I never heard him speak in favour of the war.

His attitude to National Socialism was not active but reserved. Dr. Schneider when he joined the Party had already been director of the Leunawerke for years: after he joined the Party, he always acted in a just and conciliatory manner without exception and aside, both in professional and private life.

no distinction between Party and non-Party members. I can remember quite a number of cases in which Dr. Schneider threw all the weight of his position into the cause of non-Party members when the latter were persecuted by the Gestapo. As an example I would mention a master-workman in my Department who was locked up by the Gestapo for a few months on account of his anti-Hitler attitude and whose continued employment in the works was forbidden. (master - workman Janoschka, Winkleranlage). After the space of a year approximately, Dr. Schneider personally re-instated this master - workman granting him his old rights in full once more. As a further example I would mention a chief-master of my Department (Chief-master Heuer, Gasfabrik) who was to be punished for his anti-nazi attitude at the instigation of the shop-committee and removed from his important position. When the Betriebsführer concerned and I myself remonstrated, Dr. Schneider resolved not to give in to the suggestions of the shop-committee but to protect the Chief master in his position in opposition to the shop-committee. As a further example, I mention myself. Dr. Schneider supported me with all means at his disposal when the Gestapo persecuted me because I did not allow my children to join the Hitler Youth on account of my aversion to the trend of the times; I am convinced that I escaped arrest for the second time by the Gestapo mainly because of the stand taken by Dr. Schneider, apart from my own foresight.

During the war, persons liable for compulsory service and foreign workers were assigned to the Leunawerk as to all big industrial undertakings. In the

same way as Dr. Schneider, up to that time, had cared for the usual staff, he looked after the accommodation and care of these new workers. In the vicinity of Leuna a series of communal billets was established three camps of which I became accurately acquainted with the performance of my duties: a camp for Germans and Austrians who were liable for compulsory service, in which in separate billets a considerable number of Russian women were housed too, a camp for juveniles by preference and further a camp for Yugoslavs. These three camps were models in every respect and that goes too for accommodation, beds, linen and sanitary arrangements as well as for entertainment in free time. Feeding was considerably better than the standard of feeding of the German normal consumer at that time. I can form an opinion on these conditions because during the first World War I had to live for four years in the most varied communal quarters. I remember now a discussion in which Dr. Schneider personally gave instructions for the scrupulous care of the foreign workers. Apart from that, I know that it was at the instigation of Dr. Schneider when towards the end of the war the so-called "E-Haeftlinge" were employed in the works that the SS Fuhrer in Halle was induced to grant these people better feeding and longer sleeping hours.

Surprising, according to my observations, Dr. Schneider was nothing but a war-monger and a National-Socialist. His willingness to continue to direct the Leunawerk and to represent the

affairs of the I.G. under the Hitler Regime too has nothing to do with the political trend at the time; before and during the Hitler period, he was an extremely upright director, absolutely bound up with the work and one who could not have been improved upon by the particularly
Lounsbury: /... during the Hitler period.

I myself was never a member of the Party; I was persecuted by the Gestapo because of my hostility to Nazism; because of an amnesty granted in 1930, I was not punished by imprisonment but released by the Gestapo with a warning.

My statement is made on oath.

Lichtenberg 20 November 1947

signed: Fr. Sebel

The authenticity of the signature is hereby certified.

(Official seal) Lichtenberg - Obf., 21 November 1947

Local Administration

fee -.50 RM
fee Reg. No. 284

signed: Gottfried Heinel
Burgomaster

Affidavit.

I, Dr. Ing. Hans Sauer, Kronberg i.T., Schillerstr. 6,
have been duly warned that I render myself liable to punishment
by delivering up a false affidavit. I declare on oath that my statement
is in conformity with the truth and was made to be submitted as evidence to
Military Tribunal VI in the Palace of Justice Frankfurt.

I have known Dr. Christian Schneider since we worked together
in the Badische Anilin- und Soda Fabrik Werk Osnabr. in the year 1918.
In 1919 we met again in Leuna where I had arrived somewhat sooner than
Herr Schneider as a technical engineering specialist. Since that time, we have
worked uninterruptedly together in the ^{AG}Montanwerk Merseburg G.m.b.H., Werk
Leuna, where Dr. Schneider was in charge of production and finally
became Director of the whole works. I am therefore in a position
to give information both as to his professional activity and his
personal views and private life too.

Herr Schneider was always an enemy of war. Scientific and technical
advances in production constituted predominantly the focus of
his activity. The goal of his work was purely

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peace-like. Support of armament or war production was never urged on by him on his own initiative. In so far as the Lounawerk produced for armaments and war this resulted organically from the tasks of the chemical industry as they fell in particular to the Lounawerk. The process technique with hydrogen at high pressure and a high temperature affecting catalysts which was highly developed in the Lounawerke is the general basis for the main products manufactured there, ammonia, methanol, petrol or fuel. Dr. Schneider saw his time fully occupied with the tasks the Lounawerke gave him locally and he expressed his satisfaction to me repeatedly that he was spared by central offices in Berlin, which would frequently send him on journeys.

In our continual anxiety as to plant security and improvement of production which brought me frequently as Engineer along with Dr. Schneider, according to plans laid down, into the plant for hours on end, every injunction that was foreign to our profession, like air raid precautions and finally mobilization card index, was really extremely unpleasant for us. In this respect we did only what could be advocated as a minimum in face of the demands of official authorities.

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Air-raid and mobilization matters were not the product of Dr. Schneider's initiative but were ordered by superior state authorities. Finally then at the end of 1936, Dr. Schneider commissioned a chemist who had nothing to do with the management of the works to make out a draft for the drawing up of a mobilization card-index according to instructions. The mobilization plan involved an extremely upsetting transformation in the organic structure of our works and plant administrations, this had to be worked out however so that it would be possible to put it into effect in the event of mobilization. With reference to air-raid protection, after the crisis period of 1938, on the insistence of the Reichsgruppe Industrie, energetic arrangement of details of passive civilian air-raid protection in the Leunawerk became unavoidable. Here too action had to be taken in the end since checking by official authorities was to be expected and not possibly because the works director had aimed at war.

These defence measures ordered, as well as the position as regards foreign policy with its many crises, especially Hitler's enigmatic speech in Saarbruecken which was hostile to England, shortly after the Munich agreement, increased the suspicion and anxiety of Herr Schneider as he told me several times. With

- 3 -

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and after the outbreak of war, Herr Schneider accepted all the military successes of the Third Reich with grave scruples. He had no longer any influence on the products that were manufactured in our appliances; everything was ordered from Berlin and fine experiments which Herr Schneider had promoted untiringly had to be stopped.

Right from the start, Herr Schneider accepted very half-heartedly the order to employ foreign workers, an order which upset all previous principles. And yet there was no possibility of opposing this recruiting of foreign labour. The assignment of prisoners which later took place compulsorily as replacement for Germans who had been called up, he could not reject either. He never made himself guilty of anything towards foreigners. I was by chance witness of his violent reaction when he learned that a foreign worker was supposed to have been beaten by a member of the factory guard. Immediately, Herr Schneider threw all the weight of his personality into an effort to prevent a recurrence of a thing of the kind. From time to time, too, Herr Schneider personally visited the camps where the workers resided which were of necessity always of the increased,

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into the rooms and questioned camp inmates and again and again exerted himself in favour of orderly treatment of the male and female workers of all nationalities. When, after the big air attacks on Louisa, almost all the staff had to go down to an air with substitute buses, Herr Schneider, for instance, frequently made his appearance when the buses were being boarded, to put an end to abuses he had heard of. All this was in keeping with the inner attitude as well as the marked sense of justice of Herr Schneider and his contention that only a decently treated and contented man can do regular and productive work.

signed: Dr. Hans Sauer

Above signature of Dr. Ing. Hans Sauer, Kronberg i.T., Schillerstr. 8-executed before the undersigned is hereby certified and attested by me.

Kronberg (Taunus) 7 November 1947

(Seal)

The Burgomaster as District Police

Authority

for (signed) signature, Administrative Employee

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Affidavit.

I, Dr. rer. pol. Ferdinand Bertram, residing in Frankfurt/Main, Appellations 87, have been duly warned that I should render myself liable to punishment by delivering up a false affidavit. I declare in lieu of oath that my deposition corresponds to the truth and is made to be submitted as evidence to the Military Tribunal at the Palace of Justice at Nuernberg, Germany.

1.) In 1930, after eleven years of employment as a Social Referent in Leverkusen, I took over the management of the Social Department in the administrative Building Grunburg of the I.G. Farbenindustrie A.G. in Frankfurt/Main. In 1933, I became the director of the central Social Bureau of the I.G., which from that time on carried the name: "Bureau Bertram". After Dr. Schneider, in the beginning of 1938, had become Hauptbetriebsfuehrer of the I.G., I moved with this Bureau over to the official place of business of Dr. Schneider, the Leunwerk.

2.) I have known Dr. Schneider as a member of the former "SOKO" (Social Commission) already since the late twenties, and had worked with him in the closest collaboration since 1938. To be sure, I was not at the same time the Social Referent of the Leuna Plant, therefore, I know less of Dr. Schneider's activity as the Betriebsführer of this plant, but all the more about his activity as Hauptbetriebsführer of the I.G. During this uninterrupted close collaboration I came to know and esteem Herr Dr. Schneider not only as a personality of character, but was also able to perceive his profound interest and his responsible understanding for the organization of social-political matters. Already before 1939, but especially since he became Hauptbetriebsführer, he had due to his concise knowledge of the social problems of the enterprise, as well as due to his untiring efforts, a great part in the creation of the exemplary social activities of the I.G. I remember particularly that his exact knowledge of all questions pertaining to wages made him the essential creator of the exemplary weekly wage contracts for foremen and employees who had been with the firm for 25 years. Another special sector

in which Dr. Schneider was active with particular understanding and great energy, were the problems pertaining to professional training, especially the professional training of the workers engaged in the chemical industry. In the sphere of the care for the foreign workers, Dr. Schneider in his capacity as Hauptbetriebsführer always represented the opinion that no means should be spared in facilitating the life of the foreign workers in Germany as much as possible.

3.) In the field of professional training, Dr. Schneider wholeheartedly and effectively opposed the exaggerated endeavors of the German Labor Front to place the chemical worker on the same level with the artisan through introduction^{of} a 3 years apprenticeship; because he considered this arrangement neither as materially expedient and appropriate, nor as being in the best interests of the younger generation. By this opposition he incurred the acute animosity of the competent offices of the German Labor Front, who succeeded in forcing him to relinquish his post as director of the Social Committee of the "Wirtschaftsgruppe Chemie (Economic Group Chemical Industry) and to make room for a prominent Party member.
Frankfurt/Main, 20 January 1948.

(signed:) Dr. Ferdinand Bertrams

The above signature of Dr. Ferdinand Bartrams, residing in Frankfurt/
Zeppelinallee 67, executed before me, Dr. Walter Bachem, is hereby
certified and attested by me.

Frankfurt/Main, 20 January 1948.

(signed:) Dr. Walter Bachem

(attorney at law)

C o p yA f f i d a v i t.

I met Herr Dr. Christian Schneider for the first time in Leuna at the end of 1919. I then entered as a young industrial Chemist the ammonia manufacturing business which he directed. Soon I learned to know him as a superior, unusually social and just thinking, always having at heart the welfare of the workers entrusted to him. I still remember well, how in 1921, after the defeat of the Max Hoels- movement in the shop, an outgrowth of the middle-German Communist uprising, he again and again pleaded for a mild treatment of the imprisoned workers by the Summary Courts. Many a man thus escaped hard punishment and later was re-employed on account of Dr. Schneider's efforts.

It is safe to assume that this conciliatory and peace-making nature of his, which particularly later became so prominent in him as workmanager, and his great understanding for the interests of the plain worker ... were co-determining factors for his appointment as Social Director for the whole I.G. Farbenindustrie.

In my opinion his inclination and interest in social problems and tasks were the only reasons for his activity within the NSDAP. I am convinced that he did not join for political motives, but solely because of the mentioned inclinations and under

the pressure of the state conditions and his exposed position. During the three decades I have come to know him so well that I believe I may be able to claim that in his sober and free way of thinking he did not really find any inner contact to the National Socialist ideology. I simply cannot think that Dr. Schneider in spite of his fundamental democratic world outlook should voluntarily and by conviction have submitted to the compulsion and mental gag-rule of the National Socialist system or much less have felt and acted as an activist.

I may expect that some weight will be attached to this statement, since I have been an opponent of the National Socialist movement from the very beginning. I always have steadfastly refused to join the NSDAP when repeatedly asked to do so as department head at the Leuna-plant, by that I have contracted many difficulties and enmities, as Dr. Schneider himself will know.

Signed: Dr. P. Herold

Partymember of local Leuna
of the Christian-Democratic Union.

The correctness of the signature is certified.

Leuna, 19 August 1945.

Signed: Moritz, Priest

Stamp of the Evangelical
Church community Leuna.

Affidavit.

I, Dr. Edward Schauburg, at present residing in Karlsruhe, Pruehlstr. 468 was duly warned that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that my statement is true and was made to be presented in evidence before the Military Tribunal No. VI at the Palace of Justice in Nuremberg, Germany:

1.) Dr. Christian Schneider has in personnel matters, as far as decisions have become known to me, acted justly and especially made no distinction between Party- and non Party members. So, for instance, did he order the dismissal of three employees, who had enriched themselves to a modest extent with food designed for foreigners, although he knew that they were Party members, one of them even Ortsgruppenleiter.

2.) Dr. Schneider tried to improve the social conditions of foreign workers. He saw to it that suitable living quarters were provided them, that they received constant medical care; in spite of the increasing difficulties he also tried to improve the living conditions of the German as well as of foreign workers.

3.) The fact that Dr. Schneider during the war was denounced to General Unruh for allegedly keeping members of his working staff from entering military service, in my opinion shows that Dr. Schneider was not liked by the SS and Gestapo, whence the denunciation originated.

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The Gestapo became suspicious of Dr. Schneider, when during the war he turned down their proposal to instal a spy-system under direction of an SD-member into his plant. Instead he then approved to have this SD man put under surveillance by detectives and to the listening in to his telephone conversations, in order to ascertain the information he gave to the Gestapo and SD and to learn their instructions to him. That way he could identify several more collaborators with the Gestapo in his plant, one of them was dismissed under a pretense with Dr. Schneider's approval and against the will of the Gestapo.

4.) I was employed in the legal division of the plant as a jurist. The Gestapo was particularly distrustful of me, as I was not a member of the NSDAP and had been under arrest already in 1935 together with my father for political reasons. Therefore during the war I was many times subjected to interrogations by the Gestapo, during which various threats were made against me. Also I was constantly watched and spied upon by the Gestapo, which finally in 1944 led to my and my wife's arrest by the Gestapo. After acquittal (for lack of evidence) by the Sondergericht the Gestapo informed Dr. Schneider that I was to be rearrested, when the latter immediately asked ^{for} approval to reemploy me. However Dr. Schneider could prevent this by pointing to my terrible physical condition and ^a serious illness contracted while in prison. I give high credit to Dr. Schneider that he continued to help me in this situation while I stood alone and was without protection. He sent me to a doctor in his own car and after the medical examination he informed the Gestapo about my poor health and unfitness for imprisonment. Thus, not in the least through the aid of Dr. Schneider, I was safe from further arrests by the Gestapo until a few days later I was

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transferred to a clinic for about 6 months until after the end of the war.
Munich, 24 October 1947.

Signed: Dr. Edward Schaumburg

Doc. Roll No. 1484 for 1947.

The authenticity of above signature of Herr Dr. Edward Schaumburg,
residing in Karlsruhe on the Main, Fruchlingstr. 468, who is personally
known to me, the Notary Public, is herewith certified.

Munich, 24 October 1947.

The Notary Public:

L.S. Attorney Dr. Ernst Doehling
Notary in Munich

Cost

(value: 3,000.-- RM)

Notary Fee Sect. 39 KO.	4.00 RM
Tax	-.12 RM
Total	4.12 RM

The Notary Public:

Signed: Dr. Doehling

Copy.Enclosure 1.C e r t i f i c a t e.

I herewith certify that Director Dr. Schneider was early in May 1945 appointed to the reconstituted Chamber of Industry and Commerce as its Vice-president to represent the interests of the Chemical Industry. Herr Dr. Schneider formally had been Vice-president of the Gewerkschaftskammer, (Jazi Chamber of Commerce) but no political reasons stood in the way of Dr. Schneider's re-election, since according to the Fuehrer-principle the decisions had been made by the president of the Gewerkschaftskammer himself and Dr. Schneider was called upon for action and counsel only as an expert in his line. These reasons were of decisive importance in re-electing him and the title of Wirtschaftsfuehrer could be no obstacle either, since no function was connected with the title. Dr. Schneider was appointed unanimously by the antifascist executive board of the Chamber of Industry and Commerce and also confirmed by the American Governor Capt. Murphy on the ground of aforementioned facts.

Halle on the Saale, 21 June 1945.

Signed: Willi Baeschling

The Vicepresident of the Chamber of Industry and
Commerce, Halle on the Saale for Reconstruction.

Doc. No. 174

The Church Community Council
of the Evang. Church Community
Louna

Enclosure 11.

Louna near Mersburg, 25 March 1946.

Diary No.

Herr Dr. Christian Schneider during his tenure as Director in the management of the Louna-plant, since 1936 has been a member of our Community Church Council and belonged to the same until his departure from Louna in the past year. In this capacity Herr Dr. Schneider has stood for the interests of the Church, also at a time, when the Church was exposed to the attacks of the NSDAP. When various members left the Church Council because more and more they felt bound to the Party, Herr Dr. Schneider kept faith with the Church. Tensions between Church and Party existed in our community already since 1935. The undersigned has been in his present office since March 1935. In this capacity he had performed the marriage ceremonies for the daughter of Dr. Schneider, confirmed her and baptized her child.

This is certified by

(L.S.)

Sig. Signature Pf.

Chairman of the Community Church Council

I certify to the conformity of above photo-copied with the original.

Muenberg, 2 October 1947.

(Dr. Hellmuth Dix)

Affidavit.

As the undersigned of the estate Wilhelminenhof have been employed on that estate, 97 ha large, until its distribution by way of the agrar reform. The undersigned Otto Reimer and wife have been employed here since 1936, Adolf Schwarz since 1937, Anna Bulisch since 1938, Hans Stahnke and his wife since 1940 and Frau Schwarz since 1941, Frau Marie Liemann during the years of 1941 and 1942.

We declare that the former owner Dr. Christian Schneider has treated us with great care and given everyone his just wages. Beyond that Dr. Schneider founded an old-age fund for his workers (old-Fund). From it older and sickworkers of the estate, who had been employed there for more than 5 years, were to receive current subsidies. This aid was also granted to foreigners. The first payment of RM 5000.- to the fund with the District Savings bank Teltow was made by Dr. Schneider at Christmas 1943.

We declare further that throughout the time from 1936 to 1945 Herr Dr. Schneider made no propaganda for the NSDAP and has not been active for it even once. He was entirely devoted here to agricultural activities.

Wilhelminenhof, Grosseckwerda (2) Kreis Teltow, 17 August 1948.

t. sig. Otto Reimer

t. sig. Anna Reimer

t. sig. Adolf Schwarz

t. sig. Anna Bulisch

t. sig. Hans Stahnke

t. sig. Ingrid Stahnke

t. sig. Gotrud Schwarz

t. sig. Marie Liemann

- 2 -

I certify that above photo-copy agrees with the original.

Muornberg, 2 October 1947.

(Dr. Hellmuth Dix)

Affidavit.

I, the undersigned, Dr. Karl Holdermann, Heidelberg, Schroederstrasse 64, have first been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth and was made for the purpose of being submitted in evidence to the Military Tribunal in the Palace of Justice in Nurnberg.

According to the lists of the Patent Department, which was directed by me until 1945, Dr. Christian Schneider has taken out the following patents as inventor, either alone or with another person:

German Patent 293 787 of 1913
together with A. Mittasch

Production of carbohydrates and oxygenous derivatives through the catalytic reaction of carbonic oxide with hydrogen under pressure (basic patent which also protects the synthesis of methanol: see my affidavit of 23.9.47).

Foreign patents in: England (2048813),
U.S.A. (1 201 850),
France (468 427),
Austria (73 409),
Belgium (265, 068),

German Patent 334 658 of 1917

Dehydration of generator condense with acids, agitation of the under film to bring about the conglomeration of the acid resinates.

I know that this invention was made by Dr. Christian Schneider.

German Patent 354 202 of 1918

Dehydration of bituminous tar and similar emulsions by distilling off water under overpressure.

Dr. Schneider is not named as inventor, but, as I know, he invented the process. Since it was important, the duration of the patent was extended.

German Patent 445 252 of 1923
Co-inventor: K. Dietrich

Use of the carbonaceous combustion residues of lignite as catalyst and absorption mass.

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Foreign patent in: Czechoslovakia
(21 994)

German Patent 455 307 of 1924

Purification of coal tar and coal tar distillation water in recirculating tower by aerating in an alkaline state.

Foreign patents in U.S.A. (1 579 957),
England (232 982),
France (599 654),
Italy (69 721 340 983)

German Patent 498 296 of 1927
together with eng. Franz Sabel

Gas generator in which the residue is conducted by an agitator to an ash-disposal opening in the center.

Foreign patents in: England (313 709),
Italy (274 045),
Spain (109 849),
U.S.A. (1 911 586).

German Patent 533 111 of 1928

Desulphuration of gases which contain flying ash by adding air and possibly ammonia, if necessary by adding catalysing dust.

Foreign patents in: England (312 769),
Canada (234 941),
Italy (275 744),
Spain (110 744),
Czechoslovakia
(39 875),
France (567 298).

German Patent 548 242 of 1928

Fire-extinguishing fluid, especially for coal, lignite, cleaning wool and the like, with the addition of wetting-out agents containing sulphonic groups.

Foreign patents in: England (319 083),
Czechoslovakia
(52 414),
Poland (12 782),
France (566 017),
Belgium (356 410),
U.S.A. (1 813 566).

German Patent 617 645 of 1930
together with H. Guetofisch

Nitrogen-oxygen mixture for the synthesis of ammonia from bituminous fuel by successive drying, slow burning, gasification, cracking of carbohydrates or conversion of carbonic oxide, in a plant composed of suitable parts.

Foreign patents in: England (360 618),
U.S.A. (1 898 967),
Italy (236 518),
Czechoslovakia
(35 156).

German Patent 659 924 of 1933
together with Mathias Pier,
Hermann Bernsott
Bruno Engel
and Earl-Albert Karl

Clearing up so-called sediment
(Abschlamm) from carbon hydration by
heating up with acids and removing
oil film.
Solid particles and asphalts remain
in the watery acid layer.

Foreign patents in: France (770 202),
Spain (103 703),
Hungary (112 488),
Czechoslovakia
(54 081),
Poland (22 313),
South - Africa
(211 34),
Canada (359 899),
Belgium (402 141),
England (422 742),
Australia (22 521).

German Patent 679 371 of 1937
together with Anton Roehn,
Hans Karl Wille
and Earl Winkler

Extraction of iron by preventing
residues in carbon hydration, in which
process only enough oil is removed
from the residue so that the rest
suffices for reduction.

Foreign patents in: England (509 034),
France (331 384)

German Patent 729 910 of 1940
together with Carl Rumscheidt
and Ludwig Hill

Fertilizers and manures from siliceous
cinders or natural substances by
decomposing with enough nitric acid of
less than 40% so that a solution or
suspension results which is neutralized
and desiccated. An improvement on this
by Patent Application 1 77 650 of 1944
which was not yet taken care of by the
Patent Office (this together with
Dr. Kohlhaas and Dr. Lotz).

The original patent certificates, the authenticity of which I
guarantee, are enclosed.*

Ludwigshafen on Rhine, 27 January 1948

signed: Dr. Karl Holdermann
(Dr. Karl Holdermann)

* See footnote on next page

The above signature of Dr. Karl Holdermann, Heidelberg, Schroederstrasse 64, executed before Dr. Heintzeler, Attorney at Law, Ludwigshafen on Rhine, is hereby certified and witnessed by me, Ludwigshafen on Rhine, 27 January 1948

signed: Dr. Wolfgang Heintzeler
(Dr. Wolfgang Heintzeler)
Attorney at Law

(Seal)

* I am refraining from enclosing the 30 printed pages of the original patent certificates, since this would be a laborious task for the typists and translators which should be avoided (1 document book along) and the above document ought to be enough in itself as proof to the Tribunal of the inventive activity of the defendant Schneider.

- 1 -

Document No. 140

Office of the Chief Engineer No. 4158

Received on 2 Dec. 1932

Forwarded for disposal to Herr

Gekhard (consult) •

Answer on - - - - - 1.

Initial (illegible)

R e p o r t

on the Conference of the Nitrogen Sparten

in Ludwigshafen on Rhine on 12 October 1932

Present:from Bitterfeld, Wolfen, Piesteritz: Dr. Pistor, Dr. Petersen,
Dr. Ritter" Hoechst on Main: Prof. Duden, Dr. Reimer,
Dr. Plato, Jaehne" Frankfurt on Main: Dr. Krekelov, Dir. Doncker,
Dr. Struss

" Berlin: Dr. Ahlerich, Dr. Jacobi (later)

" Leuna: Dr. Schneider, Dr. Duotefisch

" Ludwigshafen: Dr. Gaus, Dr. v. Kniering,
Dr. Seidel, Dr. Krauch,
Dir. Brendel, Dr. Fahrenhorst,
Dr. Wild, Dr. Lappe,
Dr. Stroebele, Dr. Kircher,
Prof. Grimm, Dr. Goldberg,
Dr. Ambros, Dr. Schooneman,
Dr. C. Imeller.Chairman: Dr. Krauch

Since Dr. Jacobi, the referent for the first two points on the program for the day, cannot be present at the beginning of the meeting, a few later points will be discussed first.

1. Results and Application of the Cabinet Decree of
4 September 1932 for the Revival of the Economy.

Dr. Fahrenhorst first gives a short survey of the three ways in which the emergency decrees of the (illegible initials).... the economy

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(Page 6 of original)

.....

Dr. Fahrhorst makes the following statements concerning the change in the number of workers in Oppau as a result of the recent increase in employment: In comparison with the average for June-August 1932 (3092 men) there are 172 more men employed today, it is expected that 130 more men will be needed up to the first part of next year and, if we can increase production to 200 tons of nitrogen per day, another 50 men. On the whole, therefore, 352 men can be counted on. However, 50 - 100 men will also be added to these if the suggestions for using the tax vouchers are put into effect.

Dr. Schneider informs us that Leuna had recently engaged 219 men, to this could also be added 40 workers on loan and 25 workers in Niedersachsenwerken.

The number of workers in Ludwigshafen is, as Dr. Guss remarks, likewise barely sufficient; any increase in production must necessarily lead to an increase in the number of workers.

.....

Office of the Chief Engineer No. 545
 Received on 13 February 1933
 Forwarded for disposal to Herr Gebhardt.

Answered on 27/2
 Initials (illegible)

Confidential

1

Report

on the 5th Conference of the Nitrogen Sparten in
 Ludwigshafen on Rhine on 7 December 1932.

Present:

from Bitterfeld, Wolfen, Piestoritz:	Dr. Piater, Dr. Petersen, Dr. Ritter
" Hoechst on Main:	Dr. Rohmer, Dr. Plato Dr. Jaehne
" Frankfurt on Main:	Dr. Krekeler, Dir. Doncker, Dr. Struss
" Berlin:	Dr. Oster, Dr. Jacobi, Dr. Bann, Dir. Hansen
" Leuna:	Dr. Schneider, Dr. Brotschick
" Ludwigshafen on Rhine:	Dr. Gause, Dr. v. Knielien, Dr. Seidel, Dr. Stroebele, Dir. Brendel, Dr. Andres
" Oppau:	Dr. Krasch, Dr. Wilm, Dr. Lampe, Dr. Falkenhorst, Prof. Grosse, Dr. Kirchner, Dr. Goldstein, Dr. G. Mueller.

Chairman: Dr. Krasch.

1. The Situation in the Nitrogen Field.

1.) Domestic and Foreign Market Situation.

A.) Nitrogen for Fertilizer.

Dr. Oster states the following:

a) Domestic: The domestic sale since the beginning of the 1932/33 fertilizer season amounts to 56,000 tons of nitrogen as compared with 39,400 tons of nitrogen in the same

- 2 -

period in the preceding year. There is, therefore, an increase of 42% to be noted. To

(Page 23 of the original)

III. Manufacturing Problems.

1.) Measures in Implementation of the Cabinet Decree of 4.9.1932 for the Revival of the Economy.

Dr. Fahrenhorst makes a report on the results of the emergency decree of 5 September.

The number of workers in the Oppau and Leuna plants has undergone an increase. Up to the middle of November it was possible to engage 314 more workers in Leuna, while 369 men were added in Oppau up to 1 December in comparison with the average for June/July, a net which figure will be increased to about 500 men by the beginning of next year.

Besides that it was possible to reemploy 171 workers who had been placed on a temporary leave status and it may be expected that the number of workers temporarily on leave will sink from 331 on 1.7. to 100 and still further later on.

....

A f f i d a v i t

I, Dr. Kurt H a r t m a n n, residing in Ilvesheim near Mannheim,
Goethestrasse 25, have first been duly warned that I will render myself
liable to punishment if I give a false affidavit. I declare on oath that my
statement represents the truth and was made for the purpose
of being submitted in evidence to the Military Tribunal in
the Palace of Justice, Nurnberg, Germany.

As an employee of the I.G. Farbenindustrie Aktiengesellschaft I
was a specialist in the Executive Office of Sparte I in Oppau since
1936, where I had to work on many problems in the field of nitrogen
and petroleum. Basing my work on the knowledge I acquired there and
utilizing the I.G. documents now accessible to me concerning the
former Nitrogen Syndicate and other offices, as well as publications,
I have prepared the two attached tables 1 and 2 on some of the
items of the German Nitrogen or Motor Fuel Economy. I have signed
my name to both in confirmation of their correctness.
Nurnberg, 6 October 1947

signed: Dr. Kurt Hartmann

Document No. 158

I hereby certify the preceding signature, executed before me,
of Dr. Kurt H a r t m a n n, residing in Ilvesheim near
Mannheim.

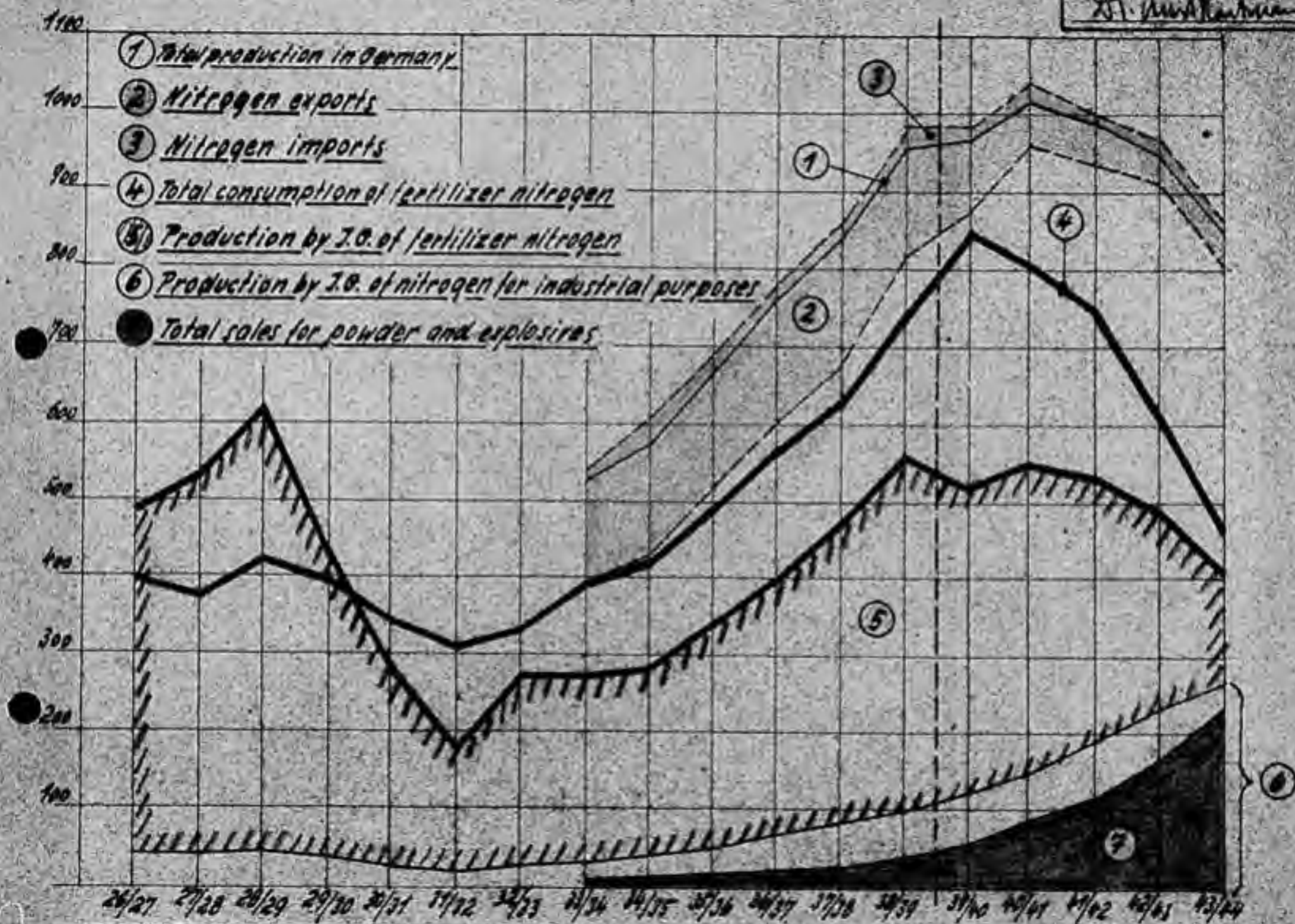
Muenberg, 6 October 1947

signed: Dr. Hellmuth D i x
(Attorney-at-Law)

German production and consumption of nitrogen

in 1000 t

Table 1
belonging to my affidavit
dated 6. October 1947
Dr. Kurt Karbaum



German consumption of mineral oil and synthetic production

Table 2

belonging to my affidavit

dated 6. October 1944

A. Kuntz

in 1000t

8000

7000

6000

5000

4000

3000

2000

1000

1933

1934

1935

1936

1937

1938

1939

1940

1941

1942

1943

in wartime unknown

total consumption

imports

in wartime unknown

production from domestic raw materials

synthetic production

production of J.G.

- 1 -

Office of the Chief Engineer No. 4777 8 July

Received 7 July 1938

Forwarded for further care to
Herr Gebhardt (in handwriting)

answered on.....

Init. (illegible)

ConfidentialReporton the Nitrogen conference at Ludwigshafen on 25 March 1938.

1) Sales and market position with regard to nitrogen for manufacturing fertilizers abroad and in Germany.	3-15
2) Negotiations about renewal of the International nitrogen agreements.	15-18
3) Sales and market position with regard to technical nitrogen	19-21
4) Production programs	22-32
5) New Projects of the Soft-Coal Mines	33-37
6) Experimental work of the ammonia laboratory in 1936 and 1937	38
7) Projects for Foreign Countries	39-47

(Page 2 of orig.)

The following gentlemen were present:

from Berlin:	Fahr, Flad, Fischer Hansen, Reuter
" Bitterfeld	Buergin, Lang
" Frankfurt	von Weinberg
" Halle	Scharf, Stoffenhagen
" Hoechst	von Bruning
" Louna	Buotefisch
" Leverkusen	---
" Ludwigshafen	Ambros, Bookler, Brendel, Duden, Geymann, Stroebelo, Kurster

- 2 -

from Oppau: Fahrenhorst, Goldberg, Grimm, Kircher, Kraush,
Lappe, Mueller-Conrad, Ad. Mueller, Schliephake

" Pfaffenrath: Ritter

" Wolfen, Petersen

" New York E. Hochschmender

(page 19 of orig.)

3) Sales and market position with regard to technical nitrogen. Hanser.

In the last meeting in December 1937 at Leuna it was reported that the I.G.'s activities in technical nitrogen products will in the calendar year 1938 reach the record figure of roughly 84 000 t N. But at the same time it had been pointed out that the first signs of a decline are noticeable. This decline had continued during the first three months of 1938 within the syndicate and comprises not only Germany, but also the foreign countries.

The activities of the I.G. concerning syndicate-sales, for deliveries to affiliated plants and for their own sales is, compared with the preceding year, for the period between January and March 1938, as follows:

	1938 t N	1937 t N
Syndicate sales	8 000	8 350
Affiliated plants	4 500	4 000
Own sales	6 000	6 000

Thus, whilst their own requirements have remained stationary, and the requirements of the affiliated plants even slightly increased, the sales of the I.G. within the syndicate declined by nearly 30 p.c.

- 3 -

This decline is mainly due to nitrous acid; the requirements in April are smaller by no less than 30 p. c. compared with the maximum quantity.

In spite of that redundancy of acid the Wigo (Economic Research Corp.) wanted to produce another quantity of about 1 500 tons of nitrous acid at Senderhausen and requiring us to deliver ammonia ^{also} at the same time to accept the nitrous acid. The syndicate has, to begin with, refused the delivery of ammonia.

On the other hand, some signs

(page 20 of orig.)

of an anticipated higher demand in technical nitrogen products are noticeable. Thus, the feeding experiments with fodder urea for amide chips (Amidoschnitzel) continue; another 250 tons of urea were ordered and if these experiments are successful, it might be possible to reach a sale of 10 000 t urea.

It has now been decided to produce dry yeast for feeding purposes. According to the Bergius process, factories at Regensburg and Koblenz, with a capacity of 10 000 tons each dry yeast per year are to be put into operation. For that purpose diammonphos will be used; thus, it would be a question of a total requirement of 1 500 to 2 000 tons for both factories.

- 1 -

Reporton the second special meeting of Main Group Iat Louna on 25 August 1939.

	<u>Page</u>
1) Sales and market position for nitrogen fertilizers in Germany and abroad	3 - 7
2) Sales and market position for technical nitrogen	8 - 10
3) Production programme and coal position	11 - 21
4) Survey of the expenditure of Sparte I for investments in the 1st half year 1939	22 - 26
5) Sales and market position for petrol	26
6) About the relations between chemical constitution and the qualities of lubricating oil	27 - 48
7) Reaction of synthetic material at a changing exposure to high pressure	49 - 57
8) Progress achieved in processing salt coal (Salzkohle)	58 - 67

(Page 2 of original)

The following gentlemen were present:

From Berlin:	Finckh, Hanser, Oster
" Bitterfeld:	Lang
" Frankfurt:	Struss
" Halle:	Lonnerts
" Hoechst:	Winnacker
" Louna:	Bartofisch, Groh, Sauer, Sackmann, Schneider, Wyszemirski, Gern
" Ludwigshafen:	Stroobele, Wurster

- 2 -

from Oppau:	Goldberg, Lappe, Mueller-Cunradi, Ad. Mueller
" Piestoritz:	Rittor
" Wolfen:	Poterson

(Page 11 of orig.)

.....

With regard to the development of the German home distribution conferences taking place between the nitrogen syndicate and the Reich Food Estate and the Reich Food Ministry have examined those questions in ^{every} detail; On this occasion the following figures were arrived at as estimates for the home distribution by the nitrogen syndicate, as already mentioned in Dr. Oster's report (p. 4)

(Page 12 of orig.)

1938/39	actual	715 000 t N
1939/40	estimated	800 000 t N
1940/41	"	860 000 t N
1941/42	"	910 000 t N

In the opinion of the representative of the Reich Food Estate the agriculture is supposed to have reached, with a sale of 910 000, a level in the use of nitrogen which is unlikely to be substantially raised in the years to come. Nevertheless in our home nitrogen plan we assumed, so as to be on the safe side, a further increase of the home distribution up to 1 000 000 t N until the fertilisation season 1943/44. Within the compass of these estimates for the entire home distribution, other, approximate, estimates have been made out for the territories added to Germany proper by the political events, namely, the Ostmark and the Sudeten areas (the Danubian land can be omitted in view of its small nitrogen consumption). The distribution in

- 3 -

the Ostmark, which, before the Anschluss, amounted to only 5 000 t N, soaring as early as in 1937/38, when the Anschluss occurred, ^{in March 1938} to 10 000 t N, amounted in the past fertilizing season, ^{1938/39} as the picture shows, to roughly 20 000 t N. It may be anticipated that these sales will at least double by 1941/42. Likewise, distribution of nitrogen in the Sudetenland, which, in the fertilizing season 1938/39 (incorporation of the Sudetenland in October 1938) amounted to only 6 000 t N, will multiply before long. For 1941/42 we anticipate a distribution of more than 20 000 t N in the Sudetenland.

Affidavit.

I, Dr. Kurt Hartmann, resident at Ilvesheim nr. Mannheim, Goethestrasse 25, having been warned that I should render myself liable to punishment by giving a false affidavit, declare in lieu of oath that my statement is the truth and is being made in order to be submitted as an evidence to the Military Tribunal in the Palace of Justice at Nuremberg, Germany.

As a member of the staff of the I.G. Farbenindustrie Aktiengesellschaft I was since 1936 referent (Sachbearbeiter) in Sparte I, gaining thereby a comprehensive insight into the productions of Sparte I. Supported by these experiences and using the files of the I.G. and the D.A.G., I made the attached statement concerning the production of methanol by the I.G., signing it in recognition with my name.

Nuremberg, 7 October 1947.

(signed:) Dr. Kurt Hartmann

I herewith certify the above signature executed in my presence by Dr.
Kurt Hartmann, resident at Ilvesheim near Mannheim, Goethestrasse 25,
Nuremberg, 7 October 1947.

(signed:) Dr. Hellmuth Dix

(Attorney-at-Law).

Production of Methanol by J.G.

Table

belonging to my affidavit
dated 7. October 1942.

Dr. Kurt H. H. H.

in 1000t

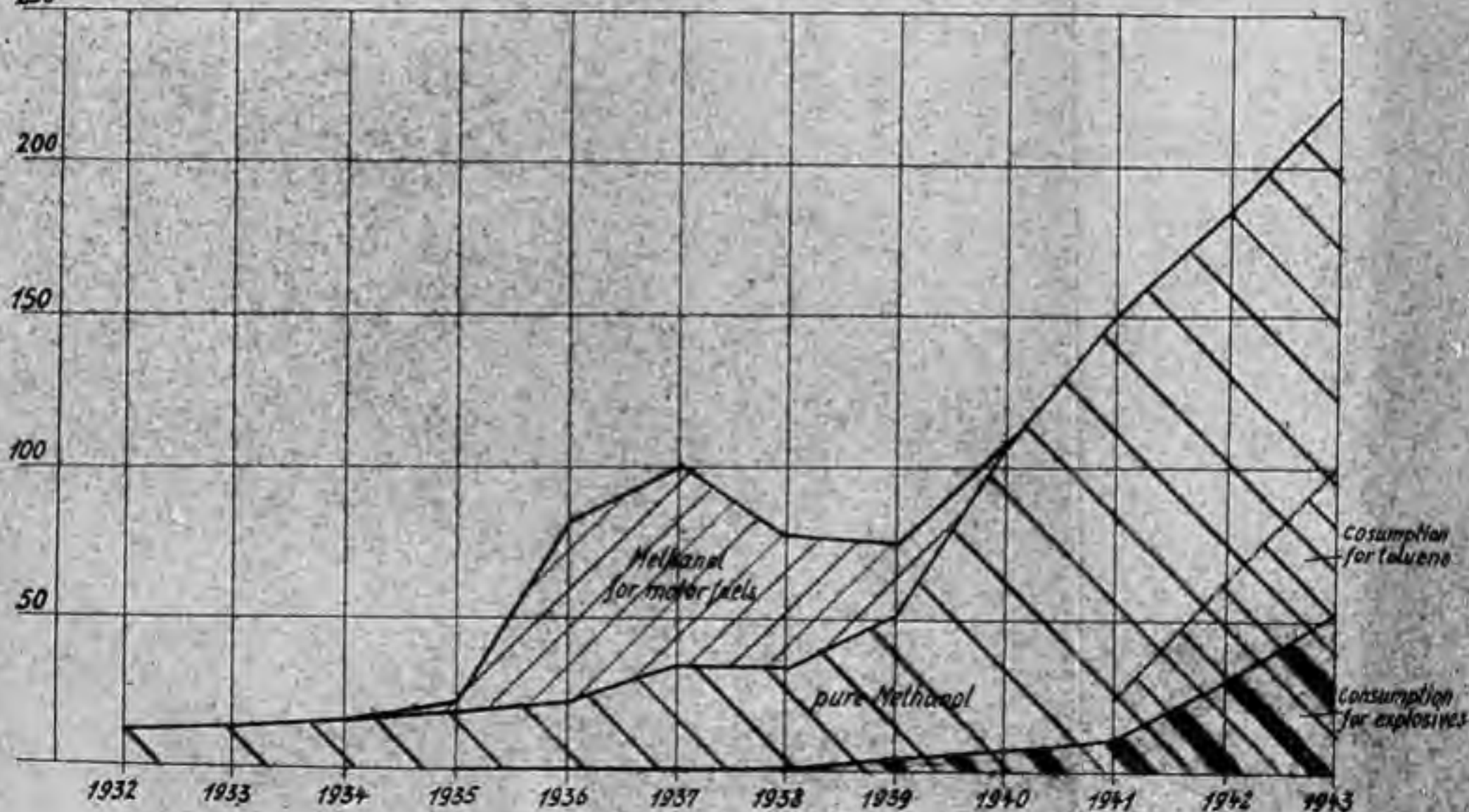
250

200

150

100

50



Affidavit.

I, Dr. Alwin Mittasch, having been warned that I should render myself liable to punishment by giving a false affidavit, declare in lieu of oath that my statement is the truth and was made in order to be submitted as an evidence to the Military Tribunal No. VI in the Palace of Justice Nuremberg, Germany.

In 1913 I invented jointly with Dr. Christian Schneider in the Badische Anilin & Sodafabrik, Ludwigshafen am Rhein, a new chemical process which makes it possible to ^{produce a sort} of artificial petroleum as well as other valuable organic compounds from the easily accessible cheap gases carbon oxide and hydrogen under high pressure with new catalysts. Up to then, one had only been able to produce ^{from these gases} (following the Sabatier process) the comparatively unimportant methane gas, using nickel as a catalyst. Dr. Schneider carried these difficult experiments out with particular skill and zeal, thus making an essential contribution to the success of the whole work. The invention was patented in Germany and abroad, DRP 293 787, 295 202 and 295 203; USA patent 1,201 850 and patents in other countries.

The great expectations connected with that invention, particularly as far as the energy supply of Germany was concerned, did, at first, not materialize, and, to be precise, for reasons of the apparatuses required and reasons of profitability. All the same, the new, much noticed technical process seemed so promising that the experiments with a view to its development were continued in the laboratories and plants of the BASF. (Badische Anilin & Soda Fabrik). In 1923 Dr. Mathias Pier and

- 2 -

Dr. Karl Zinkler succeeded, while sticking to the basic idea, in making a new progress, and, to be precise, in the direction that prevalently, or only, methylated spirit was gained. The methanol synthesis had been realized, and was soon carried out technically in the largest measure. On the other hand, Dr. Franz Fischer gained at the same time, also using catalysts of the kind employed by us in 1913 for the first time, similarly valuable products from carbon oxide and hydrogen, so that his processing method is also connected with the invention we made in 1913. Thus, the Mittasch-Schneider patent belongs to the category of the so-called pioneer patents of the chemical technique and was, as such, repeatedly recognized and appreciated.

Heidelberg, 23 September 1947.

(signed:) Dr. Alwin Mittasch

The above signature executed in my presence on 24 September 1947 at Heidelberg by Dr. Alwin Mittasch, resident at Heidelberg, Quinckestrasse 41 with his own hand, is hereby attested and certified by me, Dr. Wolfgang Reintsch, attorney-at-law.

(signed:) Dr. Wolfgang Reintsch

Affidavit.

I, Dr. Karl Holdermann, have been made aware of the fact that I make myself liable to punishment by giving a false affidavit, I declare on oath that my statement is true and that it was made for the purpose of being submitted in evidence before Military Tribunal No. VI at the Palace of Justice in Nuernberg, Germany.

As a chemist of the Badische Anilin und Soda-Fabrik, Patent Department, in Ludwigshafen on Rhine, I once personally transacted the business connected with transfer of the American patent / 1 201 850 of A. Mittasch and Chr. Schneider to the Badische Anilin und Soda-Fabrik. I likewise handled the patent for the same invention in Germany and other countries. I was always aware of the fact that this concerned a fundamentally new, highly interesting and promising invention. Carbonic oxide and Hydrogen were for the first time converted under high pressure with catalysts of a different type from the nickel which had been exclusively used before then, and thereby substances were obtained which were entirely different from formerly, namely a new oil strikingly similar to crude oil together with an aqueous film composed of alcohol and other organic oxygen compounds soluble in water.

After the First World War the American patent, together with other American patents taken out by German inventors was expropriated and transferred to the Chemical Foundation Inc. Because of its great importance it was frequently discussed in detail abroad, as I saw from the many American and British technical periodicals which I read regularly at that time. Today I am only able to list a few articles from the (British) "Chemical Trade Journal and Chemical Engineer" (10 and 17 April 1925) and from the (American) "Oil, Paint and Drug Reporter" (6 April 1925) since the annual indices of the periodicals do not list all details.

- 2 -

A photostat of the former and a copy of the latter are enclosed. I also recall^{that} as a memory aid for the repeated discussions concerning this patent which was known by the name of the "Mittasch-Schneider Patent" a special pronunciation for the seven figure number was even suggested, namely, "twelve-ch-eighteen-fifty"; although I am unable to quote the original passage for this.

If, as here in the case of Patent 1 201 850, several inventors are mentioned in American patents, this means that a "joint inventership", is concerned i.e. that all the inventors named in it jointly contributed to the realization of the invention. Mittasch and Schneider have also sworn to this in the "Oath" added to the patent registration.

The invention of the process for synthesizing methanol, which has come to be of the greatest technical importance and in which also a mixture of carbonic oxide and hydrogen is subjected to high pressure while using catalysts of the special type mentioned in Patent 1 201 850, depends on this patent, as is also confirmed in the enclosed article.

Heidelberg, 23 September 1947.

3 Enclosures

signed: Dr. Karl Holdermann
Dr. Karl Holdermann

The preceding signature of Dr. Karl Holdermann, recognized by me residing in Heidelberg, Schroederstrasse 64, executed by him in his own hand before me Dr. Wolfgang Heintseler, Attorney, on 24 September 1947 in Heidelberg, is hereby certified and witnessed by me.

signed: Dr. Wolfgang Heintseler

Enclosure I

Excerpt from the Trade Journal

page 489 of 17 April 1925.

SYNTHETIC METHYL ALCOHOL IN AMERICA

Some excitement has been caused in America by the discovery among the German patents seized during the war by the Alien Property Custodian and now owned by the Chemical Foundation, of a patent (U.S. Pat. 1,201,850, of 1916) believed to cover the manufacture of synthetic Methyl Alcohol. As the Fordney-Tariff Act prohibits the importation of products which infringe U.S. patents, it is believed that the discovery opens up an avenue to prevent the flooding of the American market with the cheap German alcohol. Persistent rumours are heard that the manufacture of synthetic methyl alcohol is to be commenced by the du Pont Company at their Clinchfield, Virginia, plant.
(Original: please turn page)

I certify that the photostat on the preceding page agrees with the original.

Saltzburg, 23 September 1947

signed: Dr. Wolfgang Reitzels

Attorney at Law.

Enclosure II.

Excerpt from:

The Chemical Trade Journal and Chemical Engineer
A weekly Newspaper devoted to the Commercial and Technical Aspects of
the Chemical and Allied Industries.
(Founded in 1887)

No. 1977

London, Friday, April 10, 1925 Vol. LXXVI.

Current TopicsSynthetic Methyl Alcohol.

The rapidity with which the synthesis of methyl alcohol has been developed by the Badische Anilin and Soda Fabrik from the laboratory stage to the large commercial scale is surely one of the most remarkable achievements in modern chemical industry. Before chemists and chemical manufacturers in this country have had time to grasp the fact that synthetic methyl alcohol is a commercial probability, Germany is unloading the material on the world's markets in such quantities and at such prices as to threaten seriously the very existence of the wood-distillation products. The actual present output at the Merseburg works of the B.A.S.F. cannot be ascertained definitely, but it is very considerable, and is probably at the rate of over 5,000 tons per annum. It is interesting to note that the possibility of synthesising methyl alcohol from mixtures of carbon monoxide and hydrogen was realised by Sabatier and Senderens, the pioneer workers in the field of catalytic hydrogenation of organic compounds, but it has only been with the development of high pressure and high-temperature techniques for gaseous reactions that the process has emerged into the realm of practicability. The first synthesis of the alcohol was purely accidental, and arose in the course of work carried out by the B.A.S.F. in 1913 to manufacture synthetic liquid hydrocarbons by the interaction, at high temperatures and pressures, of a mixture of carbon monoxide and hydrogen, and in the presence of catalysts. The product obtained contained traces of alcohol and aldehydes, but the significance of this fact evidently did not

- 2 -

impress itself upon the investigators, for work on the process was suspended until after the war. The whole secret of the successful production of methyl alcohol from such hydrogen-carbon monoxide mixtures as water gas evidently rests in the choice of the Catalyst. Unlike the reaction between nitrogen and hydrogen, which can only go one way and yield ammonia, the reaction between carbon monoxide and hydrogen can give rise to many different products the nature of which is dictated almost completely by that of the catalyst. Thus, Fischer and Tropsch, using a catalyst containing an alkaline carbonate, obtained a complex liquid mixture to which the name "Synthol" had been given. The problem of finding the type of catalyst most suitable for methyl-alcohol formation was evidently solved by the I.G. Farbenindustrie before 1922, for in that and in the following year were published a long series of patents on the subject. These patents did not arouse any undue interest among those not connected with the investigations, and it was certainly not realized that commercial synthetic methyl alcohol would be actually manufactured before the end of 1923.

I certify that the photostat on the preceding page agrees with the original.

Heidelberg, 23 September 1947.

signed: Dr. Wolfgang Beitzel

Attorney at Law.

Enclosure III

Excerpt from Oil Paint and Drug Reporter of 6 April 1925.

illegible handwritten notes

CopyMethanol Patent Owned by
Chemical Foundation

Washington, April 3.

A "great thing" for the American chemical industry has just been discovered by officials of the United States Tariff Commission in the shape of a patent covering the synthetic manufacture of hydrogen and carbon compounds, including all alcohols, aldehydes, ketones, acids, and the like, and the patent is the property of the Chemical Foundation.

The chief significance of the discovery lies in the fact the tariff not prohibits the importation of products which infringe United States patents or trademarks. The patent just uncovered is a German one, applied for in 1914 and granted in 1916 as No. 1,201,850. It was seized by the Alien Property Custodian during the war and subsequently sold to the Chemical Foundation.

The discovery was made as a result of searching the records of the United States Patent Office in quest of a patent covering the synthetic manufacture of methanol, the necessity for which has recently been brought forcibly to the attention of industry by virtue of the enormous importations of synthetic methanol to the great detriment of the American wood distillation industry. Officials declare that no word about methanol appears in the 1916 patent, but believe that product to be the chief purpose of and positively covered by the patent. In other words, it is a "blind title" patent, they declare; the result of extreme cleverness on the part of the German patentee.

If the Chemical Foundation did not own this patent, it is pointed out, American manufacture of methanol or any of the numerous products covered by it, or use

- 2 -

of any of the processes would quite likely result in infringement proceedings. As the situation now stands, however, a great advantage to the American chemical industry is seen in the fact that any qualified American chemical concern can legally and properly manufacture any of the products covered by the patent by simply taking out a license from the Chemical Foundation (Original: please turn page)

I certify that the photostat on the preceding page agrees with the original.

Heidelberg, 23 September 1947,
signed: Dr. Wolfgang Heintzeler
Attorney at Law.

Affidavit.

I, Dr. Kurt Hartmann, living in Ilvesheim near Mannheim, Goethestrasse 33, have been informed that I expose myself to punishment if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and was made to be presented as evidence before the Military Tribunal Court at the Palace of Justice, Nuernberg, Germany.

I have worked since 1931 in the Management Office (Direktionsbuero) of Sparte I of I.G. Farbenindustrie Aktiengesellschaft and also had to work on part of the negotiations, around 1939 and thereafter, with the Zeonocid Research Corporation (Wifo).

The Zeonocid Research Corporation (Wifo) was, so far as I remember, founded in 1934 by the Reich Ministry of Economics and the High Command of the Armed Forces and its first assignment was the preparation of products important in case of war. It first worked on highly concentrated nitric acid (Hokn) necessary in the production of explosives.

For this reason the Wifo built the so-called preparatory or shadow installations, since the demand for highly concentrated acid in war time is many times that of peace time and therefore it is impossible for private enterprise to reach a capacity sufficient for war purposes. Since until that time the I.G. had been almost the sole producer of highly

concentrated acid, the Reich Ministry of Economics tried to assure technical collaboration by inducing it to take part of the RM 20,000.- capital stock of the Wifo. It amounted to a RM 4000 interest, which was in the form of a piece of real estate. In 1935 I.G. turned this share over to the Deutsche Bank and Boden-Bank A.G., Berlin so that from that time on I.G. no longer had an interest in the Wifo.

In building its highly concentrated acid plants the Wifo made use of firms that built machinery and partly of chemical firms which had experience in this line. In this way, before the war, the Piesteritz plant was built by the Bayerische Stickstoff-Werke, the Habsen and Sonderhausen plants by the Samag, and the Doeberitz and Langenhein plants by I.G. During the war the Wolfen and Linz plants, for which I.G. was also commissioned, were added. Additional projects for Vienenburg and Igling were not carried through. The construction agreements which I.G. signed concerning this provided that I.G. would design, order and instal the equipment on the order of and at the expense of Wifo. The Wifo took care of the construction. The I.G. had to guarantee the quantity and quality of the product. In return it received the normal reimbursement according to the regulations governing engineers fees. Besides this there was a modest reimbursement for the unlimited use of all of Farben's patents and experiences that pertained to the work in the Wifo plants.

With the exception of Sondershausen, the Wifo leased all of its plants to I.G. The latter operated these with its own staff and at its own expense: in the operation of the Plesteritz plant it used the personnel of the Bayrischen Stickstoffwerke, a similar ruling was made later in the case of Linz, where I.G. made such an agreement with the nitrogen plants of Ostmark, on whose land the highly concentrated acid plant was located. These lease agreements were also uniform. Accordingly, I.G. paid depreciation and interest on the invested capital to the extent that the contracted capacity of the individual plant was used for actual production, that is, according to the amount produced. Furthermore, the profits of the Wifo were agreed upon, in that the cost price of the produced acid was figured according to a certain system and compared with the proceeds collected by the nitrogen syndicate. If there was a favorable balance it was to be divided between I.G. and Wifo, whereby Wifo got back a sizeable part of its invested capital in Salzen, Plesteritz and Langelsheim. For the duration of the lease, I.G. had to give the Wifo the right to inspect and examine.

Munich, 5 Sept. 1947.

signed: Dr. Kurt Bartmann

I herewith certify the above signature, executed before me, of Herr Dr.
Kurt Hartmann, resident of Ilvesheim near Mannheim.

Signed: Dr. Hellmuth Dix
attorney

Affidavit.

I, Dr. Kurt Hartmann, living in Ilvesheim near Mannheim, Goethestrasse 25, have been informed that I expose myself to punishment if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and was made to be presented as evidence before the Military Tribunal Court in the Palace of Justice in Nuernberg, Germany.

I was employed by I.G. Farbenindustrie Aktiengesellschaft in the Management Office (Direktionsbuero) of Sparte I in Oppau and worked on the agreements and negotiations of Sparte I concerning the plants of the Wigo which were operated by the I.G. The enclosed lists which I have compiled are based on my knowledge and the documents that were available to me. The first list shows the agreements which existed for the Wigo installations, as far as the I.G. knew about them at that time. The second list concerns the production of the Wigo installations, wherein I could only make a rough estimate for the year 1943/44 because of the absence of all supporting documents. As an acknowledgement, I have signed both lists with my full name.

Nuernberg, 10 Sept. 1947.

signed: Dr. Kurt Hartmann

I hereby certify the above signature of Herr Dr. Kurt Hartmann, living in
Ilvesheim near Mannheim, which was executed before me.

Mueriberg, 10 Sept. 1947.

signed: Dr. Hellmuth Dix
Attorney

I. Contract Agreements concerning "Life Installations."

Plant	Product	Built by	Contract Date	Leased by	Date of Lease
Doeberitz I	Highly Concentrated acid	I.G.	2/4 Aug. 34	I.G.	4/8 Aug. 41
Doeberitz II	"	"	21/26 June 39	"	"
Doeberitz III	"	"	16/Jun 6/Jul 42	"	"
Doeberitz IV	"	"	8/31 July 44	"	"
Piesteritz I	"	Bay. Stickstoffwerke	12 June 37	"	11/18 Mar 40
Piesteritz II	"	"	?	"	6/16 Mar 43
and III	"	"	?	"	"
Embsen	"	Emmag	?	"	24 Oct. 39

Plant	Operated for "Life" by	Contract Date	Put in Operation on
Doeberitz I, II, III, IV	-	-	June 40
Piesteritz I, II, III	-	-	1937/38
Embsen	-	-	July 1939

I. Contract Agreements concerning Wifo Installations.

Plant	Product	Built by	Contract Date	Leased by	Date of Lease
Langelsheim	Highly Concentrated acid	I.G.	7/8 Sept. 38	I.G.	1/23 Apr. 40
Wolfen	"	"	4 Aug./ 10 Sep. 41	"	1/20 Mar. 43
Lins	"	"	1/24 Feb. 1942	"	21/30 Apr. 43
Sondershausen	"	Bannag	?	-	-
Koenigshutte	"	"	sold by Wifo to Koenigshutte in Upper Silesia		
Heydebreck	"	Wifo	not completed, no contracts closed.		
Waldenburg	Telur	Uhde	25 Sep/ 1 Oct. 40	-	-

Plant	Operated for Wifo by	Contract Date	Put in Operation on
Langelsheim	-	-	Jan 1940
Wolfen	-	-	June 1942
Lins	-	-	probably 1943
Sondershausen	Wintershall A.G.	?	?
Koenigshutte		(see above)	
Heydebreck		(see above)	
Waldenburg	I.G.	9/18 March 1943	summer 1941

II. Production of the Highly Concentrated Acid Plants of the
 Wigo operated by the I.G., in 1000 t E.

Plant	1937/38	1938/39	1939/40	1940/41	1941/42	1942/43	1943/44 estimated
Piesteritz	2.9	4.1.	6.2.	6.3.	8.8	10.7	11
Embsen			7.3	11.7	13.9	13.6	14
Langelsheim			2.1	10.4	12.2	12.5	11
Doberitz				4.1	5.2	6.0	6
Wolfen					0.1	8.1	10
Lina						about 1.6	3
Total	3.9	4.1	15.6	32.5	40.2	52.5	

The production of the teluel plant Waldenburg was about 3 000 tons a month after the beginning of 1942, but with considerable fluctuation due to the process.

Buerenberg, 10 Sept. 1947

signed: Dr. Kurt Hartmann

(Page 1 of original)

Bureau of the Chief Engineer No. 753

Confidential

Received on 3 February 1937

For further action forwarded to

Herr Dipl. Ing. Gebhardt for information

and return (handwritten)

Replied on _____ initial (illegible)

R e p o r ton the 2nd nitrogen conference in Berlin on 17 December 1936I. Manufacturing questions.Page:

Program of production

3-6

II. Nitrogen business

1. Sales and market situation for nitrogen for manufacturing fertilizers, home and abroad 7-9
2. Sales and market situation for technical nitrogen 10-12
3. State of projects in foreign countries 13-23

III. Financial questions

1. Report of the Central Bookkeeping Department on the year 1935 and the first six months of 1936 24
2. Applications for credits by the Technical Committee 25-27
3. Reports on concluded contracts 38-41

Initials (illegible)

(Page 2 of original)

The following gentlemen were present:

from Berlin:	Benn, Fahr, Ranser, Kretschmann, Oster, Roetger
" Bitterfeld:	Land, Pistor, Kitter
" Frankfurt/Main:	Dencker, Struss
" Halle:	Scharf
" Hoechst:	Hermann, Jaehne, Stalb
" Cologne:	Bachmann

(Page 2 of original, cont'd)

from Leuna: Bartsch, Giesen, Langheinrich, Sauer,
Schneider, v. Staden, Selder, Willfroth

" Leverkusen: Döhne

" Ludwigshafen: Boeckler, Bosch, Duden, Ehlerich, Stroebele

" Oppau: Jais, Pahrenhorst, Goldberg, Grimm, Kircher,
Lampe, Ad. Mueller, Mueller-Gunradi, Ringer

" Wolfen: Gajewski, Kleine, Petersen.

(Page 13 of original)

3) State of the projects in foreign countries. Fahrenhorst

A) Central Europe

a) Germany.

Stickstoffwerke Rauxel inquired through Basag whether they could acquire the IG synthesis process. Victor allegedly intends to replace the Claude plant existing in Rauxel (58,000 tons N per year), which is not profitable because of too high license payments, by a Haber-Bosch plant (output for the beginning 35,000 tons N per year).

b) England

West Norfolk

As we learned from the Basag at the beginning of the year, the West Norfolk Farmer's Manure & Chemical Cooperative Co. Ltd. King's Lynn and Boston, plans the erection of an ammonium sulphate and/ or ammonium phosphate plant (15,000 and/or 50,000 tons merchandise per year = 3,000 and/or 10,000 tons N per year).

In agreement with us and the ICI (Imperial Chemical Industries, London), the Basag submitted an offer, but treated the matter for the time being in a dilatory manner. In view, however, of the competition of the Hydro Nitro, it is dubious whether it will be possible to prevent the erection of the plant. If necessary, IG will make its synthesis process available.

The English Air Office

addressed an inquiry to Banag concerning the erection of three nitric acid plants for 25 tons HNO₃ per year each. The primary nitrogen is to be supplied by ICI for the first plant, but it is intended to erect a proper synthesis plant. If necessary, the IC in agreement with the ICI will likewise make its synthesis process available here.

A f f i d a v i t

I, Paul Grimmel, Nieperfitz-Pommersol via Dahlenburg-Land, Leunenburg District, have duly been warned that a false affidavit on my part renders me liable to punishment. I declare in lieu of an oath that my deposition corresponds to the truth and was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice of Nuerenberg, Germany.

In summer 1935 (about the month of June) a commission composed of about 3 gentlemen appeared without previous notification, evading the plant doorkeeper, and, upon my inquiry about the purpose of their presence, refused to give information. They only intimated that they were looking for storage places. The manager of the plant who was called in, Herr Guillaume, who died in November 1939, then received the commission and carried on further negotiations with them. I am not aware of the details of these negotiations. However, the result was the start of technical and commercial examinations for the establishment of a gallery system within our plant area.

The plant of the Gipswerk Niederrachswarfen serves for the extraction of anhydrite as raw material for the production of ammonium sulphate (fertilizer) in the Leunawerke. It was put in operation in 1919 and is still today working for this

purpose. The extraction of anhydrite is being done in surface working. Occasional impurities of the anhydrite material ^{caused} us in the years past already rise to ^{consider} the problem of mining so-called underground material (Stollenmaterial), i.e. material from the interior of the mountain. For this purpose smaller galleries were driven on in order to study the working conditions as well as the actual costs which could be anticipated. As regards quality the underground material is purer and in most cases also drier than the material extracted in surface working from the so-called mountain side (Wand). The expenses, however, for the mining of the material are so high that its use for the production of fertilizers could not be considered for that reason. Consequently, there was no interest on the part of the Buna Werke for underground working.

The originator of the above mentioned examining commission, as far as I know the then Reichsrat Ministry, used the IFO firm as an intermediary for the conducting of the negotiations aiming at the establishment of the gallery system. This firm carried out with us an extensive technical and commercial research work during the period from summer 1935 until the order was given in July 1936. This resulted for us in an extraordinary additional burden of work, which was undesirable ^{for} us in many respects. There was no interest of any kind for an underground mining of anhydrite instead of surface working as was done since 1919, or it could not be considered

for purely commercial reasons. Until we were given the order, part of the correspondence with the concerned Reich authority was carried on by us through the Vermittlungsstelle "W" (Military Liaison Office) of IG-Farbenindustrie. When we had received the order, the correspondence was carried on via the WIFO which was the agency from which the order had directly originated.

By July 1936 the preliminary examinations had been concluded to such a degree that the order for the establishment of ^a gallery system comprising an area about 265,000 sqm was given by the WIFO to the Gipswerk Niedersachswerfen. A construction term of one year was ordered. The WIFO in its capacity as the contracting party continuously checked the progress of work and the actually gained space. The results of this check-up formed the basis for the commercial settling of accounts. After the termination of this work in the second half-year of 1937, a second order was given by the WIFO, this time on piece-work basis. The winding up of this order lasted until 1944. Also this order was subject to the regular check-up by the WIFO.

The execution of the forementioned orders made the purchase of considerable quantities of machinery and appliances necessary for the Gipswerk Niedersachswerfen. We realized that after the execution of that short term work these would be left us without any use for them. The execution of the order

was a considerable source of dangers for the plant as compared with the extraction of anhydrite in surface mining, since its technical experience in the field of driving galleries were insufficient when the work was started. The plant had indeed a loss of 4 people killed during the performance of this work. Despite these difficulties, which had been anticipated, the Gipswerk Nieperfritz-Pommolschl was unable to refuse the execution of the orders.

Nieperfritz-Pommolschl, 27 January 1948

signed: Paul Grimmel

(Paul G r i m m e l)

The above recognized personal signature of Herr Paul G r i m m e l , residing at Nieperfritz-Pommolschl, via Dahlenburg-Land, Luechburg District, was executed in my presence at Pommolschl, which is herewith certified and attested by me.

Pommolschl, 27 January 1948

(local)

The Municipal Director

signed: signature.

This is to certify that the above is a literal and true copy of the original document.

Nuernberg, 30 January 1948 signed: Helmut Dix

Defense Counsel.

Affidavit.

I, Dr. Heinrich Diekmann, Hirschhorn/Neckar, Jahnstrasse, have first been made aware of the fact that I render myself liable to punishment by submitting a false affidavit. I declare in lieu of an oath that my statement is true, and that it was made in order to serve as evidence before the Military Tribunal in the Palace of Justice, Hagenberg, Germany. In regard to the question of I.G. Security (Abwehr) and the organization of the Chief Security Officer (Hauptabwehrbeauftragter) Dr. Schneider (Office A) I make the following statement:

From the middle of 1936 up to 1945 I was working in Berlin. There I was principally in charge of Vermittlungsstelle W (Military Liaison Office W) of the I.G. Farbenindustrie A.G. for the sector of Sparte I (nitrogen, gasoline, oils). In this capacity of mine I had to carry out, first of all, liaison with the central government authorities including Wehrmacht agencies, and represent the interests of the I.G. there.

- 2 -

My superior in this capacity was the then Chief of Sparte I of the I.G., i.e. at first Dr. Krauch and later on Dr. Schneider.

The Wehrmacht demanded, in the course of rearmament, the appointment of so-called military security officers in those plants of the I.G. which were especially subject to a betrayal of secrets and considered as in need of security. Security against espionage and sabotage was at first placed by the Wehrmacht in the hands of the so-called Plant Security Central Office of the I.G. at Leverkusen, for the entire I.G. Konzern. Later on, individual security officers were also appointed in those plants and plant-sectors of the I.G., which were to a higher degree involved in rearmament. While these individual security officers were only competent for their local sector and only responsible to their local security officer who controlled the respective plant from the competent Corps Headquarters, the Chief of the Plant Security Central Office at Leverkusen had to represent the entire interests of the I.G. Konzern at the High Command of the Armed Forces in Berlin and hold the title of Chief Security Officer of the I.G.

The Plant Security Central Office of the I.G. Leverkusen, was incorporated into the Vermittlungsstelle * for security questions in Berlin as Department 4, in order to guarantee common action. Herr Morbeck of Leverkusen acted first in this capacity as Chief Security Officer of the I.G., Herr Faubel became his successor after his retirement. According to the original tasks of the Plant Security Central Office of the I.G. in Leverkusen, which pertained purely to private enterprise, the security of the I.G. was organized according to the same principles, that is, the principles and organizations of the I.G. pertaining to private enterprise, already proved for more than a decade, for security against plant espionage, i.e., betrayal of plant secrets etc., for security against imitations and falsifications of I.G. products on the market, for security against patent infringements by competitors etc., were also transferred to the new official or military defense.

Due to an incident after the outbreak of war, Admiral Canaris, Chief of Military Security, demanded dismissal of Herr Faubel from Leverkusen

as Chief Security Officer of the I.G., and his replacement by a more influential person possibly from the I.G. Vorstand. Despite continued opposition due to a deeply rooted reluctance, Dr. Schneider could finally be persuaded to accept the office desired by the D.K.W. Dr. Schneider appointed 2 deputies for the practical work, the undersigned, Dr. Diekmann, for technical security considerations especially at the plants, and Dr. van der Heyde for questions of security in the commercial organization of the I.G. inclusive of the sales agencies at home and abroad. At a newly founded Office A, intended to work independently beside the Vermittlungstelle H, Dr. Schneider, as Chief Security Officer, wanted to consolidate current security matters of the technical and commercial I.G. sector.

After Dr. Schneider took over his office, he steadfastly continued in the course so far pursued by I.G. security, that is, he also tried to adhere to regulations concerning secrecy, espionage, sabotage etc., predominantly according to the private enterprise point of view and the proved civilian security methods of the I.G.

He expressly demanded already at the conferences in the OKW that due to his appointment as Chief Security Officer he should not be required to take over any authority for the different Security Officers of the I.G., but that he should instead only act in an advisory capacity. It was accordingly expressly established in the service regulations of the OKW for the Chief Security Officer of the I.G., that the individual local security officers of the Konzern should remain independent and solely responsible for their sector and that the Chief Security Officer was not authorized to interfere in the local sphere of responsibility. Dr. Schneider tried especially to restrict the tasks of the I.G. exclusively to the so-called Security III, that is to the actual security against espionage and sabotage in the plants and establishments of the I.G. While, on the other hand, all requests and proposals of the Wehrmacht and other agencies to the I.G. to take over other tasks, too, as for instance for security I, (information service) were rejected as definitely as possible. The rejection of such requests and propositions of Vermittlungsstelle # or Office A by me, was, at all events, always ^{subsequently} approved or sanctioned by me subsequently, Dr. Schneider and the other men of the technical staff who were my superiors.

Dr. Schneider as Chief Security Officer has never interfered with the actual practical security work, but left everything possible to his deputies. He has to my knowledge never been at Office A or at the Vermittlungsstelle W. None, or very few visits or conferences took place at the OKW either to my knowledge after the service regulations had been handed out. Dr. Schneider had his deputies merely report about the security service at certain intervals and was satisfied that no criticism or reproaches were leveled against the I.G. by the authorities and that there was good feeling between the different local I.G. security officers. He considered his actual task to consist in being available with his authority for certain doubtful questions or for eventual difficulties in the carrying out of certain official regulations.

When later on, during the course of the war, the so-called political police was founded with its headquarters in the Reich Main Security Office, aside from military security centralized at the OKW in Admiral Canaris, then Dr. Schneider always displayed special reserve. No task has ever been offered to Dr. Schneider, or so as his deputy from this new sector of political police security, to my recollection. We left the obscure tasks of this parallel organization to the military security and the cooperation of their organizations alone, without bothering about them. When, after Admiral Canaris' apprehension and execution in the second half of the year 1944, the entire military security was also subordinated to the Reich Main Security Office and thereby Himmler, this change in the organization did not bring about any noticeable results for I.G. Security. We have for instance never found out nor bothered about, what the directions and intentions of the new organization might be, after Admiral Canaris' execution,

for instance, whether a Chief Security Officer for the I.G. was still desired at all, and similar questions. Obviously Dr. Schneider or no one else from the Security Organisation of the I.G. intended to place himself at Himmler's disposal after the 20 July 1944 for the above mentioned tasks.

Ludwigshafen/Rhine, 21 January 1948

signed: Dr. Heinrich Diekmann

The approved personal signature of above, by Herr Dr. Heinrich Diekmann, domiciled at Hirschhorn/Neckar, Jahnstrasse, has been executed before me, this is hereby certified and attested by me.

Ludwigshafen/Rhine, 23 January 1948.

signed: Dr. Wolfgang Bontzeler

Attorney

Affidavit.

I, Dr. Guenther Frank-Fahle, domiciled at Oberursel/Taunus, have first been made aware of the fact that I render myself liable to punishment by submitting a false affidavit; I declare in lieu of an oath, that my statement is true, and that it was made in order to be submitted as evidence to the Military Tribunal VI, at the Palace of Justice, Nuernberg.

When I returned from the war in the year 1940, I was told by Herr Oeckl, drafted to Security III as specialist, of complaints by the OKW about Herr Faubel at Leverkusen, at the time Chief Security Officer of the I.G.,. The gentlemen of the OKW were of the opinion, that Herr Faubel did not carry out his tasks satisfactorily and that he was unsuitable to represent the interests of security within the I.G. These complaints were addressed directly to the I.G. and this to the Vorstand with the request, to suggest a gentleman to the OKW for appointment as Chief Security Officer of the I.G., who due to his position within the I.G., held sufficient authority to guarantee, that the measures requested by the OKW for security against sabotage, espionage etc. were carried out. The Vorstand considered who would become Chief Security Officer in place of the gentleman from Leverkusen. It is known to me from the talks I had at that time with the gentleman, Herr Geheimrat Schmitz, Dr. von Knorrim, and Dr. ter Meer, that the Central Committee, after considerable consideration, decided, to propose its member Herr Dr. Christian Schneider for the post of Chief Security Officer. Deciding reason for this issue was the fact,

- 2 -

that Herr Dr. Christian Schneider was Head of Plant Managers of the I.G. in the sense of the law for the organization of national labor. At the suggestion of the I.G., Dr. Christian Schneider was appointed by the OKW as Chief Security Officer of the I.G. in the year 1940.

As I have been told by the Defense Counsel of Dr. Schneider, Herr Hellmuth Dix, it has been suggested in a document of the Prosecution, that Dr. Schneider's appointment as Chief Security Officer would probably be connected with his capacity as supporting member of the SS. I have only become aware of the fact that Dr. Christian Schneider was a supporting member of the SS from the indictment, appendix 4 of the Military Tribunal under the date of 3 May 1947.

Oberursel/Taunus, 19 January 1948.

signed: Guenther Frank-Fahle

The approved personal signature of above, by Dr. Guenther Frank-Fahle, residing in Oberursel/Taunus, has been executed before me Attorney Hellmuth Hentsch, on 19 January 1948 at Frankfurt/Main, which is hereby certified and attested by me.

Frankfurt/Main, 19 January 1948.

signed: Hentsch

Attorney

C o p y

A f f i d a v i t

I, Albrecht F o e r e , at present at Hagenberg, having been duly sworn that I should render myself liable to punishment by delivering up a false affidavit, declare herewith under oath, voluntarily and without compulsion:

1.) In the framework of my employment with Counter Intelligence I.M. Branch Office Cologne, I got in contact, among others, also with the plants of the I.G. Farbenindustrie A.G. in my district. I know from this time, among others, the Messrs. KUEHL, SCHULZE, and Wilhelm Adolf KERN. My superior, Herr KERN, was also amongst others in continuous contact with the I.G. firms in the vicinity of Cologne (Leverkusen). I know that he, for instance, was in touch with a certain Herr LANGGUTH, of the Department Pharmas (BAYER), to whom he had been referred by Herr KERN. The material he received from Herr Langguth consisted mostly of excerpts of the foreign reports of the MIHR sales agents and the current correspondence material requested by us. LANGGUTH was directed by KERN to forward these things, and I remember in this connection that KERN once complained to me about the brusque behaviour of Herr KITTUS. Other services obtained from the I.G. concerns in the district of Cologne were recommendations to the I.G. agencies abroad. These recommendations served to identify our men, as well to the agencies of the I.G., as also, and this especially, to the foreign diplomatic agencies for the purpose of obtaining the necessary foreign visa. In this connection it must be said that

the I.G. agency referred to in Germany knew, it is true, that the man in question belonged to the Counter Intelligence, without, however, knowing his specific task, while the I.G. agencies abroad, in most cases, not even knew about these counter intelligence activities.. In the framework of the quarterly propaganda- and information lectures, introduced by me in 1939 (the real organization of I. G. Farben began only in the second half of 1938), in the rooms of the Branch Office Glogno, at which also matters of the III /1 sector (Counter Intelligence and Protection of Foreign Espionage) were discussed, gentlemen of the I.G., besides those of other firms, were also invited.

As much as I remember, for instance, the following persons participated: The Betriebsfuehrer of I.G. Farben Leverkusen Direktor KUMMER, Director BRUGGEMANN and the counter intelligence officers of the plants. At the time of my start, I was, by the then leader I. /1 of the Branch Office, the then Major SEWAS, introduced also to the other firms, as f. i. to I.G. Farben, and especially Director BRUGGEMANN. The above mentioned activities in connection with I. G. Farben took place in a small way before the war, and to a somewhat larger extent during the war. I wish to state, in this respect, that I, as a counter intelligence officer, often was dissatisfied with their collaboration; as it should, in my opinion (the opinion of a counter intelligence officer), have yielded better results. It must be said also that I and the above mentioned leading men of the I.G. often had vehement altercations in regard to this work, as these men feared for their economic interests in case of a "misstep" and in some cases they were not willing to cooperate because of these same economic reasons.

In my opinion, economic motives were at the root of this attitude (fear of business losses in case of a discovery by the foreign country). To an inquiry of the Berlin Central Office (Lt.Col. BLOCH) regarding amongst others our relation to the I.G. in my district, I was in duty bound to point to the - in my opinion - poor cooperation. This led in the summer of 1939 to a basic discussion between all I & I officers in whose districts I.G. Farben enterprises were located and all I.G. counter intelligence officers, held in Frankfurt/Main on the premises of the I.G. The meeting took place under the chairmanship of v.d. MEHL and Lt.Col. BLOCH. The result was not up to expectations.

2.) From the time of my activity in Berlin I am unable to supply details regarding the different contacts, as I was the head of the Central Office and the individual reports were handed to me, on principle, without the statement of their source. It was also a matter of principle that in my time the Berlin Central Office had no contact with Berlin firms and offices, rather was this contact maintained through the I & I Officer in the Berlin Corps Headquarters, who was competent for individual business.

I know from my predecessor Lt. Col. Dr. BLOCH that he, too, took care only of such matters and contacts which were of principal importance, and that the details were left for the local I & I Officer to take care of.

I have carefully read each of the three pages of this affidavit and signed them in my own hand, have made the necessary corrections in my own hand and signed them with my initials and declare hereby on oath that I stated in this deposition the pure truth according to my best knowledge and belief.

(signed) Albrecht FOCHE

Sworn to and signed before me this 22nd day of August 1947 at Nuernberg, Germany, by Albrecht FOCHE, at present at Nuernberg, known to me to be the person making the above affidavit.

(signed) Otto VERBER
U.S. Civilian, AGO-No. 1111385
Office of Chief of Counsel for
War Crimes, U.S. War Department.

E x c e r p t from

The Trial against the Principal or Criminals before the IMT,
Nuremberg, 14 November 1945 - 1 October 1946. Publ. in
Nuremberg, Germany, 1947.

(IMT-Judgement):

(German p. 301, English p. 267-268)

As regards the SD, the Court includes the Offices III,
VI, and VII of the RSHA and all the other members of the
SD, inclusive of the local representatives and agents,
disregarding whether they were honorary members or not,
irrespective of their being nominal members of the SS or
not. With due regard to the motion of the Prosecution to
exempt the honorary informers of the SD, who were not
members of the SS, and the members of the counter
intelligence, who were taken over into the SD, the Court
expressly excludes these persons from this declaration.

.....

Certified true copy.

Nuremberg, 2 February 1948

(signed) Dr. Rupprecht
B o r k e b a u m .

C o p y

Counter Intelligence Officer

Excerpt from the Official Gazette of the Russian
Ministry for Political Deliberation, No. 4, 1st year,
1947, p. 3:

".....

A Military Secret Service and a Counter Intelligence
Service was maintained by all warring nations. The
Counter Intelligence Officers, therefore, are not
considered to be a specific Nazi institution. They
were employees of military offices and not party-
political functionaries. In the implementation of the
law they are not listed among the persons concerned.
Gen. (Approved?) I/129/47".

Certified true copy!
Naeraberg, 2 September 1947

(signed) Dr. Rupprecht Storkebaum

Ludwigshafen/Rhine
30 October 1947

A f f i d a v i t

I have been duly warned that I should render myself liable to punishment by delivering up a false affidavit.

I declare in lieu of oath that my statement is in conformity with the truth and was made to be submitted as evidence to the Military Tribunal at the Palace of Justice at Nuernberg, Germany, in Case 6.

Ludwigshafen/Rhine, 30 October 1947

The tasks of the Sparten-Bureau were essentially in the following spheres:

Establishment of budget- and finance plans for the plants of the Sparte

Budget-accounting of the various expenditures of the Sparte, f.i. new installations

Rentability examinations, f.i. of new installations.

Collaboration in questions of a financial or economic nature.

Besides the Sparten-Bureau the Sparte I maintained the following general bureaus, the Projects-Bureau (work on contracts, work preliminary to the introduction of new processes), later merged with the Sparten-Bureau, furthermore the A.F.-Horseburg and the Vermittlungsstelle W (Military Liaison Office.)

In the Vermittlungsstelle each of the 3 Sparten was individually represented. It was the central office competent for working out all the problems submitted by the authorities and Armed Forces affiliations of the I.G.; vice versa, they had to take care that the replies to these questions were centrally channelled over the Vermittlungsstelle. If it was a question belonging to the sphere of the Sparten-Bureau, i.e. a question of financial or economic concern, the Vermittlungsstelle employed the Sparten-Bureau for its solution. In such a case,

the Sparten-Bureau handled essentially the economic and financial aspect, whereas the general negotiations were handled by the Vermittlungsstelle. Typical cases of this kind were the different agreements with the Ifo, (Wirtschaftsforschungs G.m.b.H.) and similar organizations. Mobilisation plans and Mobilisation Allocation Plans, (Mob-Belegungspläne) were not prepared by the Sparten-Bureau as such. When the authorities requested that Mob-Plans be prepared, this was a matter for the Vermittlungsstelle, which of course availed itself of the data prepared by the Sparten-Bureau, as, f.i. capacity statistics.

Production Statistics.

By the instigation of the Ministry of Economics discussions took place at a certain time (probably between 1934 and 1936) with representatives of the Ministry of Economics and the Statistical Office of the Reich in the presence of Dr. STRUSS, Dr. FUVOGEL, of the Syndicate, and myself. The gentlemen of the Ministry of Economics presented plans for production statistics, which they intended to have integrated, and which particularly in the sector of nitrogen not only comprised the production of primary ammonia and finished products, but also the transport of the ammonia from the producing plant to the one or the other intermediary plant, and the various intermediary stages of the manufacturing. Furthermore, data was demanded regarding all basic and auxiliary materials, about maintenance costs, the number of workers, the monthly sales, and internal sales profits. We tried to reduce these requirements to the lowest possible minimum in order to prevent that the industry was deprived of its independence and freedom of disposition. And although we succeeded in many cases in obtaining a simplification in the desired direction, nevertheless there remained a system of reports in the nitrogen sector which was rather cumbersome and the introduction of which we could not prevent. The reports were submitted at certain time intervals to the Reichsstelle

fuhr Chemie (Reich Office for the Chemical Industry). Due to the involved system of reporting, a multitude of enquiries was not to be avoided.

Planning Exercises.

The discussions in Larseburg and Oppau in the course of which so-called planning exercises were demonstrated, were, according to my memory, preceded by negotiations between Prof. KRAUT, and Dr. RITTER (Vermittlungsstelle W) on the one side and General THOMAS on the other side. The planning exercises were carried out as follows:

Leaflets had been prepared, containing f.i. the message that at Wolfen a part of the burning ovens were out of commission and that Wolfen for that reason could not take over any longer the ammonia supplied by Oppau. These leaflets were opened and the necessary directives decided, f.i. rerouting the Oppau ammonia to Bitterfeld or decrease of Oppau's production by the necessary amount.

I had told Dr. Ritter of my disinclination to take part in the planning exercises. But Dr. Ritter informed me that General Thomas had expressly desired planning exercises because the participating economy officers were used to that kind of instruction. According to Dr. Ritter one had discussed during these negotiations, the results of which are not known to me in detail, with General Thomas also the question of the position of the War Economy Officers. The I.G. were interested in demonstrating that they, in order to be able to solve their tasks, must have the greatest possible freedom in their dispositions. Furthermore, it was to be pointed out that the industry, which is properly a purely commercial manufacturing enterprise, cannot be burdened with tasks far removed by their nature from its scope of work, as f.i. an exaggerated planned

economy. E.G., it is of no concern of the industry to find out into what individual channels their products will flow, it is entirely sufficient for it to have the overall picture necessary for its purposes. In the elaboration of the production program allotted to it

it must certainly be free to compensate trouble in one part of the plants by dispositions dictated by their own initiative.

These exercises were to demonstrate, therefore, that it is absolutely a concern of the industry to make the necessary dispositions by itself, whereas they could ^{not} possibly be ordered by an administrative officer not possessed of technical experience. Of course the purpose was to preserve for the industry the greatest possible independence, and to keep military or Party administration, naturally wont to rule by bureaucracy, out of it.

(signed:) Dr. Reinhard Goldberg

The above signature of Director Dr. Reinhard GOLDBERG, Ludwigshafen/Rhine, Bachlerstrasse 13, executed before me, Dr. Wolfgang HEINTZOLD, Ludwigshafen/Rhine, Brunckstrasse 13, is hereby certified and attested by me.

Ludwigshafen/Rhine, 10 November 1947

(signed:) Dr. Wolfgang Heintzold
Attorney at Law.

I, Dr. Friedrich ~~Kenning~~, Chemist, residing at 3 Soltkstrasse in Holzminden, have been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuremberg, Germany.

Since 1928 I was a member of the Leuna-Werke and from about 1930/31 till the beginning of the war I worked as assistant in the engineering management and especially as assistant to the production manager.

As far as I remember, plans for mobilization were drafted in the Leuna-Werke since about 1936. The Leuna-Werke, as all military economy plants, had to state therein the possible production capacities as well as the raw materials and means of production required, the essential means of transportation for the employees and for the delivery and shipment of the raw materials and finished products. Moreover, the necessary requirements of personnel were to be determined. Negotiations had to be conducted with the recruiting-service offices about draft deferments. In addition to that, lists had to be made out of the required replacement personnel for those workers who could not be deferred, with indication of the training periods.

The elaboration was done at two different places. The production figures were compiled in the office of the production management. In this compilation the figures of the normal average peace-time production of ammonia, nitrogen-fertilizers, liquid fuel-, alcohols etc. were inserted. The inquiries and compilation of the corresponding production requirements were carried out by Dr. Schwarzkopf with the assistance of the office of the engineering management.

The managers of the individual plants had to give him the necessary data for this compilation.

In addition to this, Dr. Schwarzkopf had various other tasks, as for instance the training of apprentices, and the organization of the regular plant excursions; besides that, he was the deputy of the chief of plant protection against air-raids. In coping with his work he had a clerk at his disposal who assisted him, as far as I remember, in his other tasks, apart from the mobilization plans. I do not remember in what way he kept the mobilization plans up to date.

The personnel section had a few special referents for the preparation of the draft deferments.

The above mentioned tasks were, to my knowledge, ordered by a branch of the Reich Ministry for Economics which had its seat in Dresden. On several occasions representatives of this branch came to the Louna-Werke in order to discuss and speed up the planning work. Moreover, officers from the recruiting-service offices came frequently in order to discuss fundamental questions concerning draft deferments which, among others, always came up due to the fact that the number of people regarded by the plants as indispensable was much greater than that estimated by the recruiting-service offices.

According to my observations the plant management has not shown any particular interest towards these mobilization plans, but has only occasionally required a general information about these events. The office of the production management and the plant managers, called upon for information about the production requirements, felt that this work was an unpleasant burden and the rate of work, according to my observation, was by no means in accordance with what the competent authorities expected.

Holzminde, 24 November 1947

signed: Dr. Friedrich Henning

Document Register 1947 No. 186

I herewith certify the foregoing signature executed in my presence by
Dr. Friedrich Henning, Holzminden, Moltkestrasse 3 who is known to me
in person.

Holzminden, 26 November 1947

signed: Signature

L.S. Notary

Compilation of costs

Value: RM 3.000

Fee, according to Sections 26, 39. 5/20

RM 4.00

(handwritten) received

signed: Signature
Notary

A f f i d a v i t.

I, Dr. Heinrich Strombeck, residing at house No. 243 in Rosenthal, district of Frankenberg, have been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice, in Nurnberg, Germany.

1.) I was born on 10 February 1885 in Braunschweig. After having studied mechanical engineering at the technical college in Braunschweig, I graduated there in 1913 as a Doctor of engineering. Since 1919 I had been working in the Lunda-works of the I.G. Farbenindustrie, at first as deputy director of the mechanical engineering department and later as director of the technical department.

2.) I have been asked whether I remember a conference which in 1939, prior to the war against Poland, had been called by Dr. Schneider and in which the latter had talked about the mobilization of the plant for war. I do not remember that such a conference has taken place; moreover, I think that this is completely out of question as such a measure would have resulted in making the plant employees believe that war was certain. The result would have been an enormous excitement and Dr. Schneider would have certainly been taken to account by the Reich Government.

Contrary to that I remember very well the following:

- 2 -

One day a large number of section chiefs and plant managers, including the plant administration, were gathered for a conference when the wireless announced a speech by Dr. Goebbels in which the latter gave notice of the beginning of the war against Poland. I observed only surprise and consternation in the faces and from the words of the participants in the meeting, which would not have been the case if Dr. Schneider had already discussed the mobilization of the plant previously.

Rosenthal, 2 October 1947.

signed: Dr. Heinrich Strombeck

Document Register 259/47

I certify the foregoing signature, executed before me by Dr. Ing. Strombeck, Rosenthal, who is known to me in person.

Frankenberg, 3 October 1947.

signed: Dr. Elisabeth Brelmann

Notary.

Compilation of costs:

Fee, Section 39 ED	RM 2.--
turnover tax	+.06

	RM 2.06

signed: Dr. Brelmann

Notary

CopyAffidavit.

I, Dr. Carl Wulff, residing at 27 Leverkusenstrasse in Karl/ district of Recklinghausen, born on 8 April 1901, German citizen, have first been duly warned that I will render myself liable to punishment if I give a false affidavit, I declare in lieu of oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Wurnberg, Germany.

At the end of 1942 or the beginning of 1943 I was appointed Military Economy Leader (Wehrwirtschaftsfuehrer). The appointment of Dr. Schneider to Military Economy Leader (Wehrwirtschaftsfuehrer) occurred, if I remember correctly, shortly before.

I was informed by telephone of my appointment by Oberregierungsrat Freiherr v. Leukardt of the Regional Economy Office Magdeburg. About 3 weeks later I received a document from the Reich Ministry for Economics, signed by Staatssekretar Landfried, about my appointment to Military Economy Leader.

When on the occasion of a visit by v. Leukardt in the Schkopau plant I called his attention to the fact that I was neither a member of the Vorstand of the I.G. Farbenindustrie A.G. nor a business manager of the Buna-Werke G.m.b.H., and that for this reason I hardly deserved to function as a military economy leader, he replied that that had nothing to do with it

as this was purely a title in recognition of the technical achievement in the construction of the plant.

as a military economy leader I have neither held a government position nor any other honorary function and I believe that this was also the case with Dr. Schneider, that therefore in his case the designation military economy leader was just purely a titular one.

Marl, district of Recklinghausen, 13 January 1948

signed: Dr. Carl Wulff

Certification: The foregoing signature, recognized by me, was executed on 13 January 48 in my presence by Dr. Carl Wulff, residing at 27 Leverkusenerstrasse in Marl, district of Recklinghausen, which I hereby certify and attest.

Marl, district of Recklinghausen, 13 January 1948.

Stamp:

signed: Dr. Hermann Lappe

Notary

CopyAffidavit.

I, Dr. Otto Graf, residing at 104 Nuernberger Strasse in Fuerth/Bavaria have been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice, in Nuernberg, Germany.

1.) During the war I was in charge of the Agricultural office (Department of the Regierungspraesident Aschach) for Northern Bavaria. I was duly exonerated by the competent denatification court because of active resistance.

2.) One cannot talk of a uniform institute of military economy leaders. Prior to the war already, the armament offices organized courses to form a sort of Reserve Officer's Corps for the armament offices. These men were to be conscripted during the war as referents for the armament offices. In respect to these persons it is probable that they were subjected to the same questioning concerning their personal history, property situation, good conduct, etc. as in the case of the reserve officers; I am not familiar with the particulars in this connection since the respective negotiations were conducted by the Armament Inspectorates.

- 2 -

3.) During the war, Goering at first began to appoint persons as military economy leaders who had a meritorious record, especially in the promotion of the Luftwaffe and later also those of the rest of the armament industry. In this case it was no longer an assignment of persons for special tasks but a recognition for completed services. This military economy leader, contrary to the military economy leader mentioned in paragraph 2, constituted solely a special title and has always been called a "Kommarsienrat" by the economic administration.

4.) In the further course of the war Reich Minister for Economics, Funk, felt compelled to confer similar distinctions also upon plant managers of important enterprises from the civil sector, which was administered by me in Northern Bavaria. Among those proposed by me to be appointed as military economy leaders was Dr. Hermann Terberger who, like the director of a textile plant, was also appointed to military economy leader.

5.) The suggestions were made by myself, that is generally in accordance with the importance of the plants managed by the persons in question, in order to pay a certain amount of respect also to the civilian industry as compared with the armament industry. No special investigations were made, all that was needed was to inform the Reich defense commissioners in each individual case of the persons suggested for the appointment to obtain the approval.

- 3 -

6.) I informed the appointed military economy leaders of their appointment and they were informally given a document, the contents of which I do longer remember, and the insignia.

7.) There was no advisory activity at the Regional Economy Office attached to the appointment of military economy leader. The procedures described by me in connection with the military economy leaders in the Reich Ministry for Economics are applicable to the case of Terberger.
Nurnberg, 2 September 1947.

signed: Otto Graf.

The preceding holographic signature, recognized by me, of Dr. Otto Graf, residing at 104 Nurnbergerstrasse in Fuerth/Bavaria, was executed on 2 September 1947 in my presence, Attorney Helmut Henze, Nurnberg, which I hereby certify and attest.

Nurnberg, 2 September 1947.

signed: Helmut Henze

Attorney

I herewith certify that this is a true and correct copy of the above document.

signed: Eberhard Polckmann

Attorney.

A f f i d a v i t.

I, Dr. Kurt HARTMANN, of Ilvesheim near Mannheim, Goethestrasse 25, have been duly warned that I should make myself liable to punishment by delivering up a false affidavit. I declare in lieu of an oath that my statement corresponds to the truth and is made to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuernberg, Germany. Since 1936, I was working as an employee of the I.G. Farbenindustrie A.G. in the Director's office of Sparte I at Oppau. In this position I obtained, among other things, knowledge too of the following matter, related as well as I remember it.

In 1941, the I.G. was ordered by the authorities to manufacture a special product needed by the Air Force, designated by the code word G M 1, outside of their German plants also in two plants to be established in Northern France. Two nitrogen plants were found suitable as manufacturing places, and the I.G. was ordered to make the necessary arrangements with the French companies. Thereupon, we asked these companies - they were, as far as I know, the Societe des Mines de Douze and the Societe des Mines des Lons - in writing to let us know under what conditions they would be ready to lease to the I.G. the buildings and land necessary for the installation of the machinery to be supplied by the I.G. and to furnish the power needed for the manufacturing process. While the one company, outside of an adequate payment

for the power to be supplied, declined a remuneration and only insisted that the I.G. evacuate the plant within a certain specified time after the war, the other company contracted for a lease calculated in accordance with general economic considerations. Over and beyond this, that firm desired to be compensated also for the eventuality of being hampered to a certain degree in their own production by the partial occupation of their plant facilities whenever they should want to resume their operation of the factory.

Although the nitrogen production of the firm was still at a stand-still and it was also not certain, according to the planning of the authorities regulating the nitrogen production in Northern France, if it would be put in operation within a reasonable space of time, the I.G. pleaded with the RLM (Reich Air Ministry) as the consignee of the enterprise to consent to paying this compensation, which the RLM then did.

Conclusively I can say that, according to my knowledge and memory, the negotiations with the above French firms and also the subsequent collaboration in the construction of the ordered installations were handled on the part of the I.G. without any pressure in exactly the same manner, and in accordance with the general usage in private business transactions, and that the interests of the two firms were given every possible consideration.

Muenberg, 10 August 1947.

(signed:) Dr. Kurt Hartmann

I certify that Herr Dr. Kurt Hartmann, residing at Ilvesheim near Mannheim,
Goethestrasse 25, executed the above signature before me.

Nuernberg, 10 August 1947.

(signed:) Dr. Hellmuth Dix
(Attorney at Law)

Affidavit.

I, Dr. Kurt Hartmann, of Ilvesheim near Mannheim, Goethestrasse 25, have been duly warned that I should render myself liable to punishment by delivering up a false affidavit. I declare in lieu of oath that my statement is in conformity with the truth and is made to be submitted as evidence to the Military Tribunal at the Palace of Justice at Nuernberg, Germany. As an employee of the I.G. Farbenindustrie I was since 1936 a referent in the Director's Office of Sparte I at Oppau. From my activity there I am in a position to make this contribution towards clarifying matters:

In the Index of Document Book 36, in connection with Document BI 6633, the production of "poison gas" in French plants is mentioned. Regarding this I state that the "G M 1" planned to be produced there is identical with the so-called "laughing gas", used f.i. by dentists for local anaesthesia. Therefore, G M 1 is no "poison gas".

The base material for G M 1 was, according to my memory, ammonium nitrate designated for reasons of secrecy as "Weissalz" ("white salt"). Ammonium nitrate is a standard product of the nitrogen industry and has no logical connection with chemical warfare agents. That the code word "Weissalz", according to Document NI 10557, was used also for chemical warfare agents, is therefore only accidental.

Munernberg, 10 October 1947.

(signed:) Dr. Kurt Hartmann

I certify that Herr Dr. Kurt Hartmann, residing at Ilvesheim near Mannheim, Goethestrasse 25, executed the above signature before me.

Munernberg, 10 October 1947.

(signed:) Dr. Hellmuth Dix

(Attorney at Law)

Translation of Doc. Book 8 Schneider

CERTIFICATE OF TRANSLATION

13 February 1948

We, Adolph Lusthaus, B 398010, Mary Flack Perry, 20136, Hanns Ed. Gleichman, A-443029, John B. Robinson, X-046350, Robert Hoffmann, 20162, Joseph E. Goesser, B 397993 and Fred Salomon, A-446622 hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Document Book 8 Schneider.

Hanns Ed. Gleichman
A-443029

Mary Flack Perry
20136

Adolph Lusthaus
B 398010

Robert Hoffmann
20162

John B. Robinson
X-046350

Joseph E. Goesser
B 397993

Fred Salomon
A-446622

"End"

Case 6
Defense

DOCUMENT BOOK
for
Dr. Christian SCHNEIDER
No. 9.

Submitted by
Defense Counsel

Dr. Hellmuth DIX

Stung



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of Document Book IX

for Dr. Christian SCHNEIDER

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- in the I.G. (The comprehensive volumes of "Illness Statistics for the Employees eligible for insurance of the I.G. Farbenindustrie, Aktiengesellschaft", mentioned at the end of the affidavit, are not introduced as evidence in view of the size and the prohibitive work entailed in the translation. If desired these books can be submitted in the original. These statistics as well as the remarks by Dr. ROSENBLUM refer to the legal provisions for employees eligible for insurance, including foreign workers. 65 - 68
- 226 Affidavit Dr. Ferdinand WERTMANN of 20 January 1948, particularly concerning his letter of 10 March 1943 contained in Volume 68, P. 78/79, Prosecution Doc. No. PI-681, Exhibit No. 1326 and concerning the possibility of the illegal employment of children by I.G. within the limits of the officially established regulations. 69 - 71
- 182 Affidavit Charlotte REYER of 17 November 1947 concerning her arrest in Leipzig while she was trying to obtain evidence from Leuna. 72 - 74
- 20 Affidavit Dr. Hans POLSTER of 25 September 1947 concerning employment and treatment of foreign workers at Leuna. During the war, particularly with regard to SCHILLER's objections to the employment of foreigners, their billeting in homes, the equal treatment accorded foreigners and Germans with regard to food, wages, work week, and concerning also the efforts made in this respect by the works especially with regard to food, and recreation.

means of transportation etc. "Y. 7...
Concerning the cost according to the
works from care and accommodation of
foreign labor, I can only state from
memory since I do not have the pertinent
records, that the establishment of the
large camps cost the works RM 1,000 to
1,200 per capita of the camp occupants..."
and with regard to E-prisoners:
"E. 8 ... 'a, and in particular Dr.
SCHMIDT, therefore always adopted
a very reserved attitude toward the re-
quests of the Gestapo and we tried to
avoid the establishment of the E-camp
in Spangau."

75 - 83

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Affidavit Dr. Erich LANDSMAN of 26
August 1946 together with 3 enclou-
sures concerning the employment of
foreign labor at Loung, furthermore
concerning the difficulties which
the works had with the Gestapo (p.3),
the recruiting particularly in view of the
un-employment in Antwerp (p.4 ff) and
Crete (p.7).
Enclosure No. 1., the signatures of
which are certified by the American
Military Government: "We herewith
certify that Dr. LANDSMAN in his
position as Personnel Manager of the
Loung works always treated us in a
decent and respectful manner. When-
ever we had to suffer under the Nazi
regime and its methods it was he who
always intervened on our behalf and
who protected us wherever he could.
We know that in the case of several of
our compatriots he prevented their
being sentenced and sent to concen-
tration camp. This actually was
equivalent to saving their lives.

Enclosure No. 2:

"We would like to set on record to the effect that he always tried to make work and life in Germany for us, the foreign employees and workers, as easy and tolerable as was within his reach to do."

Enclosure No. 3:

"I would like to state that you always tried to make work and life as easy and tolerable for us foreign workers as was in your power to do. You always tried to eliminate the abuses that were brought about or caused by the national-socialist agencies, and in the case of the Bulgarian and Yugoslavian workers you were successful in your efforts with the result that those workers will return home with the feeling of sincere friendship and gratitude for you personally."

84 - 97

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Affidavit Hermann SCHLOSSER of 23 November 1947 concerning SCHNEIDER's dispute with the Arbeitsfront (Labor front).

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Affidavit of Ministerialdirector Dr. Wilhelm KLUSS, of 2 February 1948 concerning social security payments by the I.G.

"From this fact as well as by reading occasionally social security publications of the I.G., I personally gained the impression that of all major enterprises in Germany I.G. was

the most progressive as far as social security movement was concerned. I knew that in the Reich Group Industry occasionally disputes arose between the representatives of I.G. and those of other industries because of the Social Security Policy of the I.G. which was sympathetic toward the employees. In this connection the objection was raised that with their measures the I.G. went too far in meeting the demands of the workers and thus was prejudicing the position of other industries. The trend with regard to social security as well as the progressive spirit of the I.G., above all in matters concerning company old age, housing and health welfare programs were generally recognized and were regarded as exemplary."

99 - 101

260

Affidavit Wessily GERTSCH of 31 January 1948 concerning the treatment of foreign labor at Leuna.

"The social conditions at Leuna during the time that I stayed there can be characterized as wartime conditions, yet good. The billets (camp barracks) were good and even better than in other works which I knew. There were 8 - 10 men per room as a rule, and day rooms as well as mess-halls were available. Transportation to work was arranged for and the works management made great efforts and provided numerous buses. Hygienic and sanitary installations were good; every worker had an opportunity for a full bath (showers). Food was in accordance with wartime conditions and was issued as so-called works food. The works management did everything possible to satisfy people in this respect. Medical care through a well-organized dispensary also was good. No difference was made between German and foreign labor in all the points listed above."

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I certify that all documents contained in this Document Book are verbatim copies of those submitted to the Tribunal.

Nuernberg, 7 February 1948

(signature) Dr. Hellmuth DIX

(Dr. Hellmuth DIX)

Attorney-at-Law

Page 1 of original

Excerpt from the
Law Regulating National
Labor Relations

and the law for regulating the work in public
administration agencies and enterprises

including the implementation regulations, the
import regulations for the Ostmark and the Sudeten-
German territories, the decree about wage scales,
and other relevant directives.

Commentary

by

Dr. Alfred Meck
Professor at Munich
member of the Academy
for German Law

Dr. Hans Carl Nipperdey
Professor at Cologne
member of the Academy
for German Law

Dr. Rolf Dietz
Professor at Giessen

Third, revised edition

C. H. Beck's Publishing
House Munich and Berlin 1939

Page 2 of original

Article 1.

.....
Page 20

Business Manager and Personnel Chief.

In the enterprise the owner as manager of the enterprise, the employees and workers as staff, shall cooperate to promote the objectives of the enterprise, and for the common good of the nation and the state

Page 21

.....
II. The worker combine

1. The worker combine, i.e. the community of all those working in the enterprise, will be the focal point of all legislation pertaining to the regulation of working conditions and related matters. Deliberately diverging from the former prevalent legal state of affairs, which endowed agencies outside the enterprise with a decisive authority, the Law regulating National Labor Relations (NOLR) shifts the focal points of all legislation and those pertaining to the regulation of working conditions and related matters and its execution, to the respective enterprises, the individual concern as the nucleus of economy and labor. (Seldte, ZAKdR 1937, p. 613). For in the individual enterprise, by working and living together in it, the community of all employees,

Text of Law double spacing
Commentary normal spacing

Page 3 of original

irrespective of the type of work they perform, is a joint experience. Only by this token, the primary requirements for a true partnership in work and by the work can be attained. The enterprise is not only the smallest but also the initial form of a working community comprising various people. This principal orientation of the law, and thus of the German labor constitution, is not affected at all, if, for a prolonged period, a strict regimen guides the social^{policies} and the regulation of wage scales which becomes manifest in the measures of the Reich Trustee, pursuant to the Decree regulating Wage Scales of 23 June 1938, especially viewed in the light of the stupendous tasks with which the German labor- and economic policy is still confronted. (See also Mensfeld German Labor Law,

1929, 118).

.....

Page 34

3. The following do not belong to the staff:.....

.....

Page 36:

prisoners

h) Controlled Workers, criminal prisoners/of war, reform school inmates, even if they are employed in a private enterprise outside the institution. As it is, the agreement concerning their employment is not concluded by them and the employer, but by the employer and the institution.

(See also RVA Arb.RSam.21,23).....

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Page 38

.....

Article 2.

(1) Concerning the staff, the manager of the enterprise shall decide in all business matters, as far as they have been regulated by this law.

(2) He is responsible for the welfare of his staff. On the other hand, the staff is obliged to remain loyal to him, in keeping with the community spirit of the enterprise

Page 66

.....

Article 3

(1) In the case of body or bodies corporate, the legal representatives shall be managers of the enterprise.

(2) The owner or, in the case of body or bodies corporate the legal representatives, can commission such persons as their deputies who are joint managers of the enterprise; this

UX

Page 5 of original.

will be necessary, if they themselves are not concerned with the management of the enterprise. In unimportant matters they can commission other persons.

(3) If the manager of the enterprise, pursuant to article 38 and by a court of honor, is legally declared unfit to be manager, a new manager of the enterprise shall be appointed

Page 252

.....

Article 17.

Employees' Advisory Council (Unternehmenseinsicht)

If several economic or industrial enterprises of a similar nature, or such enterprises which are complementary in accordance with the objectives of the enterprise, are owned by one proprietor, he or his appointed manager, if he does not operate the enterprise himself, shall establish an advisory council (Beirat), which shall be composed of the shop stewards' Council (Vertrauensrat) in the individual plants, in order to advise him in special matters

.....
Page 259

4. a) The task of the employees' advisory council
(Unternehmensbeirat), in its actual sense, corresponds
to that of the shop stewards council (Vertrauensrat) .
In the same manner as the latter advises the manager of the
individual plant the former shall advise the owner and
/or manager of the enterprise in social policy matters.
However, it is expressly stated in article 5, paragraph 2
of the 17th Implementation Regulations, that its tasks
concerns only such matters which apply to several plants.
If any question should ^{arise} which applies to one individual
plant only, the shop stewards' Council (Vertrauensrat)
of this particular plant will be the sole agency to advise
the plant manager; alternatively, if the owner has
reserved the right for himself to pass a binding in-
struction, they will advise the owner and/or his deputy.....

..... Page 772

Seventeenth Decree
concerning the implementation
regulating Section 1 Labor
Relations.

Dated May 1937.

(Reich Law Gazette I p.581)....

Page 773

ARTICLE 5.

Tasks, Joint Plant Regulations.

(1) The Employees' Advisory Council (Unternehmensbeirat) will be called in for consultation, particularly if such measures are concerned as mentioned in article 5, paragraph 2 of the Law regulating National Labor Relations, insofar as the owner or the manager of the enterprise has reserved the right for himself to pass decisions for all or several plants which are eligible to have shop stewards councils (Vertreuenerrat). The shop stewards councils (Vertreuenerrat) of the individual plants need not be called in for consultation in any such cases. Joint plant regulations promulgated for all or several plants of the enterprise will supersede the plant regulations pursuant to article 25 of the Law for regulating National Labor Relations, irrespective of any possible supplements,

Page 8 of original

which might be advisable in the individual plants because of prevailing special conditions. The directives pertaining to joint plant regulations are legally binding as minimum conditions for the employment relations covered by it.

(2) Measures which concern one individual plant only, are not subject to be submitted to the competent Employees' Advisory Council (Unternehmensbeirat).

.....

and the above directives:

Page 116

.....

ARTICLE 6

Tasks of the Shop Stewards' Council (Vertrauensrat).

(2) It is the task of the shop stewards' council (Vertrauensrat) to advise on all such measures which serve to boost production, to shape and implement general working conditions, in particular the plant regulations, the implementation and improving of plant safety, to strengthen and promote relations of all plant employees

Page 9 of original

amongst themselves and towards
their plant, and the well-being
of all members of the community.
Furthermore, this council will
cooperate in settling all dis-
putes within the plant community.
It will be consulted when fines
are to be imposed resulting
from violations of the plant
regulations

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ARTICLE 26

Obligation to promulgate plant
regulations.

In each plant in which at
least twenty employees and
workers are concurrently employ-
ed, the plant manager will pro-
mulgate in writing a set of plant
regulations for the plant staff
(Article 1)

21 January 1948

Affidavit

I, Dr. Albrecht WEISS, of Heidelberg, Moltkestr.-21, having been duly warned that I make myself liable to punishment if I make a false affidavit, declare under oath that my statement is true and was made in order to be submitted as evidence before the Military Tribunal No. VI at the Palace of Justice, Nurnberg, Germany.

1.) At the time of the foundation of the I.G. Farben in 1925

Professor Bosch charged his assistant Dr. Ernst Schwarz in Ludwigshafen with the strict co-ordination of the social welfare/organization of the new firm. In order to comply with this demand Dr. Schwarz reduced the already existing social welfare commission of the firms of the former Interessengemeinschaft to altogether 8 social "referenten" taken from the leading factories of the new works combines. I was at first manager and secretary of this social welfare commission known as the "SOKO", up to the time when this Soko-office, after the erection of the administrative office building in Frankfurt/Main at the beginning of the 'thirties, was transferred there and Dr. Bortmans took charge of this office. But even then and up to 1945 I stayed with the Soko-office, which was, from 1933 onwards, known under the name of "Office Bortmans" - as a member of the staff and "referent" for certain special questions such as old age pensions, housing and housing projects, factory-bulletin, savings-plans and cost of welfare work.

2.) After Dr. Schwarz had left, Prof. Salck was entrusted with the management of the social welfare service of the I.G.-Farben. After the issuance of the law regulating the National Labor Relations in the spring of 1933 (LOG), Prof. Salck became "Unternehmensführer" (owner) in the sense of Article 17 of this law. This made him the representative of the "Vorstand" in welfare matters; in a legal sense, the whole "Vorstand" was "Betriebsführer" of the I.G.-Farben, but the LOG decreed that one person for each factory, either a member of the "Vorstand" or the local plant manager (Betriebsleiter) had to be elected "Betriebsführer". As the I.G.-Farben consisted of many factories one of these many "Betriebsführer" had to be appointed owner (Unternehmensführer) or, as they were called in the I.G.-Farben "Hauptbetriebsführer". From 1934 to 1936 Prof. Salck in Frankfurt and from 1936 to 1945 Dr. Schneider in Lams, were "Hauptbetriebsführer" in this sense.

3.) No immediately applicable provisions can be found in the LOG concerning the competency of the owner (Unternehmensführer). According to Article 17, if several economically and industrially similar plants, or plants complementary to one another according to their production objectives, are in the hands of one single entrepreneur, he must establish an advisory council (Beirat) from the ranks of the shop stewards' council of the individual factories, the so-called workers' advisory council (Unternehmensbeirat) to advise him in welfare questions. The duties of this workers' advisory council were fixed as follows in Articles 5 and 17 of the Implementation Regulation of the LOG of 5 May

1937, i.e. that primarily such measures as mentioned in Article 6, par. 2 of the LGG would have to be subject to discussion by the workers' advisory council, as far as the manager of the enterprise has reserved for himself the right of decision for all or some plants to appoint shop stewards' councils.

It follows from this that the owner (Unternehmensführer) may reserve for himself the right of decision in some or all welfare questions which are described as follows in the already mentioned Article 6, par. 2 of the LGG:

All measures which serve the improvement of productivity, drafting and implementation of general working conditions, especially the plant regulations, the establishment and improving of plant safety measures, the strengthening of relations of all employees among themselves and towards the plant, and the welfare of all members of the community.

- 4.) Acting upon these regulations Prof. Salck convened a workers' advisory council consisting of ten members of the shop stewards' councils of several larger factories of the I.G.-Farben, and also employees' representatives. SOKO was replaced by a board of plant managers of the 3 largest plants and the central administration of the I.G.-Farben and Prof. Salck and, later on, Dr. Schneider convened so-called "Betriebsführerbearbeitungen" (plant managers conferences) on the forenoon of each day in the afternoon of which the workers' advisory council was supposed to be in session. With the approval of the employees' representatives these "Betriebsführer" attended the meetings of the "Unternehmensbeirat" (workers' advisory council) without, however, being members of this advisory council in the strictly legal sense of the word.
- 5.) The social welfare "referenten" of the larger I.G. plants of whom SOKO had formerly

consisted, were called into conference by Dr. Bertrams at irregular intervals on current social welfare problems; as a rule the agenda of the "Betriebsfuehrer" conferences and the (workers' advisory council) were also prepared in these "Sozialreferentenbesprechungen" (welfare "referenten" conferences).

- 6.) I have the photostats of the minutes before me of 17 "Betriebsfuehrer" conferences and workers' advisory council conferences which took place in the time between 26 January 1938 and 4 February 1943, which enable me to make the following statements about the participants in these conferences as well as about the more important points of the agenda.

In the year 1938	6	conferences	took place
" " " 1939	3	"	" "
" " " 1940	3	"	" "
" " " 1941	2	"	" "
" " " 1942	2	"	" "
" " " 1943	1	conference	took place.

If I remember correctly another conference, of which I have no minutes was held either in 1943 or 1944.

Present at these meetings were the following gentlemen:

Gajowski, Schneider and Wurster	16 times each
Leutenschlaeger	15 times
Buergin, and von Schnitzler	15 times
Brueggemann	12 times
Ilgen	10 times

Kuchno 9 times

Ambros 7 times.

Dr. ter Meer did not take part in any of these conferences.

He is, however, mentioned in the attendance lists of the "Betriebsführer" conferences of 16 June 1938 and 28 October 1941 and 28 August 1942.

The agenda of the workers' advisory council contain the following important subjects for discussion:

questions concerning wage scales	9 times
" " wages	9 times
" " pensions	7 times
" " housing and training	6 times
annual bonus	5 times
questions of labor allocation, savings plans and questions concerning survivors of war-victims	4 times
questions of salaries and vacations	3 times
donations; health service, and plant welfare work;	2 times
war-invalids; plant bulletin; accident prevention; seriously injured persons; health insurance; burial fund	1 time.

There were always the same subjects on the agenda of the "Betriebsführer" conferences; besides these the following were also discussed there: questions concerning university trained personnel, company physicians, salaries and vacations for high salaried employees, the amount of social welfare allowances as well as organizational and special personnel questions.

- 7.) It is clear from this list that, on the whole, these were matters of so-called plant welfare policy with which this workers' advisory council concerned itself, and

which the owner, i.e. during these last years Dr. Schneider, according to Article 5 of the 17th implementation regulation had reserved for himself for decision although, as far as I know, there had never been a formal decision made in this matter. All important cases, especially those which implied considerable expenditure, such as matters of pensions and savings, as well as decisions concerning the amount of the annual bonus, Dr. Schneider had to report to the "Gesamtvorstand" and ask for their approval. Within the framework of these matters which were his particular concern, Dr. Schneider acted in an advisory capacity with regard to the "Betriebsfuehrer" of the individual I.G. plants, but not so in such spheres of action with which the local "Betriebsfuehrer" had to cope personally on the basis of official laws and regulations issued by the State. Such spheres of so-called government-sociology were: labor allocation, fixing of wage scales, social security, and other less important problems. On these problems the local "Betriebsfuehrer" worked in direct connection with the local offices of the labor offices, or the Nazi-Party (Reich Labor trustees, labor offices, regional labor offices, insurance offices, German labor front). In case of doubt concerning these problems, which frequently arose through the fact that the individual plants of the I.G. which spread all over Germany, were subject to a variety of regulations issued by the various

Reich Trustees and regional labor offices, Dr. Schneider and/or the "Office Bartrams" acted in a co-ordinating capacity concerning such problems: such doubtful questions were discussed either in writing or orally and corresponding instructions issued by the Office Bartrams. I am attaching a graph which shows, according to my opinion, what was Dr. Schneider's competency and responsibility therefrom resulting as a "Hauptbetriebsführer".

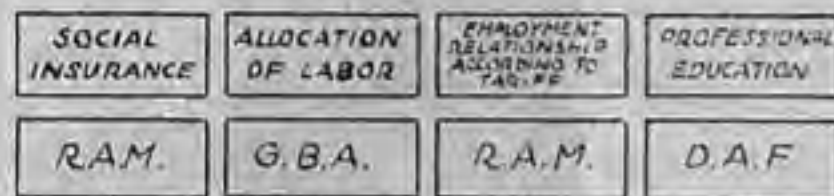
signed: Dr. Albrecht Weiss
(Dr. Albrecht Weiss)

The above signature of Dr. Albrecht Weiss of Heidelberg, Moltkestr. 21 was given before me, Dr. Helmut Dix, Nürnberg, on 22 January 1948 in Nürnberg and is herewith certified and witnessed by me.

signed: Dr. Helmut Dix
(Dr. Helmut Dix)

SOCIAL ORGANISATION OF I.G. FARBEN

SOCIAL POLITICS BY THE STATE



REICH TRUSTEE

DISTRICT LABOR EXCHANGE

LOCAL LABOR EXCHANGE

ASSIGNING

REPORTING

CONSIDERING MAN-POWER REQUIREMENT REPORTS ON MAN-POWER REQUIREMENT TO BE CONSIDERED

PLANT F.I. LUDWIGSH.

DR. SCHNEIDER

ADVISORY COUNCIL OF ENTERPRISE

OFFICE BERTRAMS

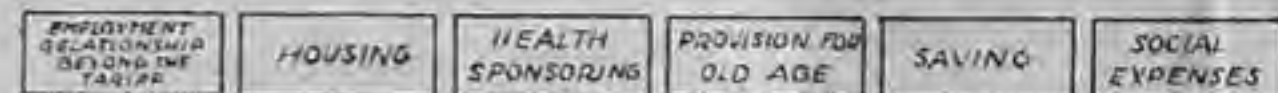
CONSIDERING MAN-POWER

CO-ORDINATING

REQUIREMENT

GEBECHEM

SOCIAL POLITICS BY THE PLANT



RAM = REICH MINISTRY OF LABOR

G.B.A. = PLENIPOTENTIARY FOR THE ALLOCATION OF LABOR

DAF = GERMAN LABOR FRONT

GEBECHEM = PLENIPOTEN FOR SPECIAL QUESTIONS OF CHEMICAL PRODUCTION

PLANT F.I. LUDWIGSH.

ASSIGNING

AFFIDAVIT.

I, Dr. Albrecht WEISS, residing in Heidelberg,
Koltkestr. 21, having been duly warned that I make
myself liable to punishment if I make a false affi-
davit declare under oath that my statement is true
and was made in order to be submitted as evidence
before the Military Tribunal in the Palace of Ju-
stice in Nuremberg, Germany.

From 1926 to 1933 I was business manager of the
central social offices of the I.G. Farbenindustrie
Aktiengesellschaft and beginning 1932 assistant in
the BERTHELS office. I am, therefore, in a position
to survey the attitude of the I.G. Farbenindustrie
Aktiengesellschaft and its measures in the field of
social policy, which I am describing from memory
and with the aid of supporting documents at my dis-
posal as follows.

This description is divided into the following parts:

(page 2 of original)

A.) Traditions with regard to social policy in I.G.'s
predecessor works.

B) I.G.'s social welfare organizations.

C) Social measures in the I.G. plants.

1.) History of employee relations

2.) Wages and salaries

3.) Annual bonus

4.) Savings programs

5.) Plant relief measures

6.) Plant old age measures

7.) Plant medical care

8.) Plant health insurance

9.) Plant housing

10.) Catering establishments

11.) Vocational training

12.) Selection and training of the plant assistant man-
agers (Unterführer)

13.) Cultural activities for the employees

D) Foreign workers

E) I.G.'s expenses for social welfare measures

(page 3 of origin 1)

a) Traditions with regard to social policy in I.G.

Franke's predecessor works

The predecessor firms of the I.G. Farbenindustrie Aktiengesellschaft, the large and - above all, prior to World War I - rich German enterprises of the chemical and industry always in addition to their technical and economic tasks were especially concerned with the social work for their employees. There is probably no industrial engineering where the cooperation of all persons participating in the result of the production is as intimate as in the chemical industry. From training till evening the laboratory chemist works together with his laboratory assistants, workers and apprentices; his work is divided into many separate tasks the simpler and more mechanical parts of which are carried out by his assistants under his supervision. In the laboratory as well as in chemical production, plant, above all in the former plants, for this to a large extent, the tasks to be solved by the chemical worker require less special training or instruction than careful breaking in and careful performance. In a very large number of cases the work of the chemical worker is similar to that of the supervising employee, maintaining the same level of workers, avoidance of unnecessary fluctuations, careful selection as well as protection of the interest in the work, therefore, the

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views which have led the supply and treatment of workers in chemical industry to considerably more refined methods than, for instance, in heavy industry. Here, as in the latter the unskilled worker generally may be employed everywhere and the skilled worker as well, as a rule, can work in every place where a trained locksmith, welder or lathe operator usually is employed, since the working processes in these industries preponderately are the same or similar, nearly every chemical plant is fundamentally different from the others. There even the skilled worker requires a special training and experience for many of his tasks.

The peculiarities of the railine dye industry make it clear and understandable that under these circumstances the works of this industry have for decades given special attention to training a distinguished cadre of regular workers for themselves.

In order to reach this goal not only particularly careful methods were applied in the procurement and allocation of workers - as already mentioned - but a social welfare policy cultivated for decades by the works

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was, in addition, intended to make the worker appreciate their place of work, to associate them with their place of work - in the best sense of the word. Thus we find pension programs for workers and employees with IG. Farben's predecessor works as early as in the seventies and eighties of the last century. The oldest works houses in units were founded in the sixties and the company physicians - we hear of the first one as early as in 1866 - in chemical industry have constituted an exclusive profession since the beginning of the century which in closest cooperation with the National Industrial Inspection Board promoted the field of industrial hygiene and promoted the fight against industrial diseases. In Leverkusen, in Hoechst, with the I.G., and in Ludwigshafen the workers and employees who mostly have been working in the plants in the third and fourth generation, are closely associated with the management of the plants. Persons like LUISKING, BRANCK, Carl MUELLER, RAEDER, Franz G. REHM, Arthur and Carl von REHM are well known and highly respected in the worker's families of these plants.

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3) I.G. Farben's social welfare organizations.

Thus the so-called Gesamte Interessengemeinschaft of von 1916 found on already established multilateral and extensive basis of social welfare policy which they found necessary to expand. By forming a social committee (SOZKO) care was taken that from that time on the plant social welfare policy was to be coordinated with a uniform production policy, although quite liberally as far as possible.

When at the end of 1925 the Interessen-Gemeinschaft re-organized into the firm I.G. Farbenindustrie-Aktion-Gesellschaft, it appeared that the social committee, which had existed up to then, nevertheless had not succeeded in coordinating the social welfare policy of the works in such a way as was necessary for the newly established combine.

Carl ROSECK appointed one of his closest assistants chief coordinating executive (Zentralleiter) of the I.G. Farben social welfare policy who limited the social committee to 6-7 chief social welfare workers (Bezirksleiter) of the suburban works and, by highly differentiated statistics covering all social measures like a net, cleared up the differences and saw to it that the company policy was carried out uniformly. The execution of these resolutions of the social committee was controlled with the aid of the statistics.

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This method, however, did not lead to general restriction in the amount of social welfare payments; on the contrary, during this period the liberal reorganization of the pension funds was completed after their having been destroyed by the inflation of the annual bonus and the works savings banks were introduced.

In 1934 the social welfare program with the individual I.G. Farben works had been organized to such an extent that the central office was able to permit more leeway. From that time on a measure of independence had been legally transferred to the chief managers of the individual plants by the law for regulating the labor relations which was acknowledged and taken into consideration by the company board of directors. On the other hand, by the statistical registration of the costs originating with the individual plants, it could be seen to that in some cases or other the ordinary limits were not overly exceeded. In this connection, however, extremely liberal measures were adopted so that, as the statistics have shown, certain divergences in the expenditures originated with the individual plants which corresponded to the dissimilarity of the local conditions and social tradition. In particular it was the newly established plants like Schkopau and

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later Haydebrock and Buschwitz which had to start building up their social welfare organization and therefore needed essentially higher amounts for making single and current payments than the old works which had been consolidating their social standards for years and decades. Beginning in 1933 the SGM, as representative of the central social welfare movement, lost its importance as against the local advisory agency to the plant manager in chief (Betriebsführer), the "Unternehmensbeirat" (workers' advisory council) which consisted of the Betriebsführer (owners) and 10 members of the shop stewards council (Vertrauensrat) from the principal plants.

These workers' representatives participated with the plant managers of the former works were also invited to their conferences.

According to the local provisions certain tasks were reserved to the owner in such a way as to bind the local plant managers to the directives by Dr. SCHNEIDER with regard to these fields. The matters involved were exclusively questions of social welfare policy of the plants whereas the fields of government social policy, as labor allocation, wage questions, social insurance and the like, were, in agreement with the district organization of the Government Labor Administration,

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settled directly between the representatives of this administration, such as regional employment offices, employment offices, Reich Labor Trustees, and the local plant managers.

The settlement of the old age pensions of the plant however, and of medical care, housing questions, savings institutions, etc. after having been discussed in the workers' advisory council was issued by the owner in the form of directives to the individual plant managers.

C) Social welfare program in I.G. Farben plants.

1.) History of employee relations.

The founding of I.G. Farben took place at a time of an increasing though false prosperity. Accordingly, the number of the personnel continued to increase beginning 1 January 1927, in which day 73,404 workers and 20,338 employees were employed, until in the year 1930

the economic crisis which had originated in USA developed into a world-wide economic crisis and shook Germany's unstable false prosperity to its foundations. Thus also the number of the I.G. personnel decreased from its peak by about 50 per cent till it amounted to 47,441 workers and 16,135 employees by 1 January

1933, a fact which is still remembered as a black day by all parties involved, by the workers concerned as well as by

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the firm's employee relations officers who were in charge of personnel reduction. I.G. Farben tried to adapt itself to the difficult economic situation into which its workers had been placed, but of no fault of their own, adopting emergency measures; older workers and employees were pensioned or put on half-pay, workers who had served for a considerable time were alternately given unpaid leave so that the disadvantages resulting there from were more evenly distributed and alleviated. The inevitable dismissals were effected as considerately as possible taking into consideration the individual economic and social conditions.

A comprehensive work procurement and reconstruction program which I.G. started in 1933 also contributed to overcoming the difficulties so that with the inception of the new prosperity the number of the staff increased first gradually, then rapidly. The outbreak of war in 1939 severely affected the number of workers and employees which up to then had steadily been increasing. This loss was to begin with recovered by German men and women who were drafted to labor service, later on by foreign workers and prisoners-of-war. Occasioned by the war production drive the number of persons employed in the plants continued to increase rapidly in the following years.

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As of 1 December 1944 the following were gainfully employed:

Workers	155 962
Employees	32 957
-----	-----
total	188 919
-----	-----

The personnel was composed of:

60% German men and women

29.2 % Foreign men and women

10.8% Foreign workers "on loan",
Prisoners of War as well as
- in three of 32 plants -
Inmates of Concentration Camps

2. Wages and salaries.

Wages and salaries had been fixed by collective bargaining agreements for the entire German industry even at the time of the creation of the I.G. Farben. The results of the divergencies settled between employers and unions left beyond that only a small margin for individual initiative. In order to reach the most suitable ratio between production and wages, special attention was paid to the establishment of a sound bonus and piece-work wage scale.

Based on a minimum of normal production, determined by experts, it was soon possible to increase production, which had deteriorated badly as a result of World War I and to

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increase considerably the wages above the standards of of the collective bargaining agreements. (20 - 25% for plant workers, 25 - 35% for artisans). Furthermore, by granting plant allowances for disagreeable and grimy work (Lastigkeits- und Schmutzzulagen) plus other bonuses, the special conditions prevailing in the chemical industry were taken into account.

The average wage income of the workers of the I.G. Farben amounted for the various types of workers to 120-140% of the base pay.

It was possible to increase considerably the margin between the base pay of the employees and the actual salaries by the granting of special efficiency bonuses. For this purpose, directives had been established by the I.G. Farben for the various types of occupations, which could be observed without raising the danger of a too rigid salary-policy. (Gehaltspolitik).

The possibility of being able to pay for individual efficiency total salaries, which often reached double the amount of the base pay, assured the plants of a steadily increasing interest of its personnel; beyond that, they (i.e. the plants) were protected by a remarkable "plant-loyalty" from costly turn-over of its personnel; which latter fact could be observed in many other industries.

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The average salary of the I.G. Farben employees, that is, the so-called wage scale employees, amounted for the various occupation groups to 110-135% of the base pay.

The same principle of efficiency bonuses was even more pronounced concerning employees in more responsible and executive positions. For these groups special bonuses were paid out per annum, in addition to the monthly salaries figured on the base pay rates, which for key employees amounted to several times more than the salary itself. In this connection it might be of interest to establish the ratio between the total wage- and salary expenditures to the compensations of the members of the Vorstand (not considering the pensions paid to former members of the Vorstand):

Year:	Total Personnel Expenditures,	Number of members of the Vorstand	Total for Remuner-ations to the Vorstand	% of total personnel expenditures
1937	341,6 Mill.RM	26	5,0 178,000	1.43%
1938	377,9	27	4,678 173,000	1.24%
1939	413,5	27	4,308 159,000	1.04%
1940	446,8	24	3,887 160,000	0.87%
1941	497,9	23	3,8 167,000	0.77%
1942	513,9	23	3,713 161,000	0.72%
1943	549,9	22	3,570 162,000	0.65%

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In this connection it may be pointed out that according to a directive issued in 1933 by the Chairman of the Aufsichtsrat Carl Duisberg, all members of the Vorstand were obliged to pay over to the I.G. Farben for its social welfare purposes, all fees which they received from other companies in the Aufsichtsratskreis of which they represented the I.G. Farben.

3.) Annual bonus.

In 1926, in creating the I.G. Farben annual bonus, the attempt was made to combine the idea of a loyalty bonus with that of profit sharing. The annual bonus consisted of a fixed basic amount which was equal for all recipients. In addition a loyalty bonus for the finished year of service was paid out, starting with RM 2.00 and increasing up to RM 7.50, according to the number of accumulated years of service. Furthermore, an amount was paid out which was computed in the following manner: a percentage was established according to the amount of the I.G. Farben dividend for the previous year. This percentage of the yearly income of each individual employee constitutes the profits share in the annual bonus.

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Example: A worker with an annual income of RM 2,500.00 and a length of service of 35 years receives, in case the I.G. Farben distributed in the previous year a dividend of 6%, the following annual bonus:

Basic amount	RM 25.00
Loyalty bonus, 35 years, RM 5.00	175.00
Profit share, 4.57%	
from RM 2 500.00	<u>114.25</u>
Total	RM 314.25

or, 12.6% of the yearly income.

The total amount of the distributed annual bonus increased from 5,6 Million RM for 1926 to 23,25 Million RM for 1943.

4.) Savings Plans.

a) Almost all predecessor plants of the I.G. Farben had plant savings banks of such a kind, that the firm paid higher interests for the saving accounts of the employees than those paid by other public savings institutions. These accounts were revalorized after the inflation to a far higher degree than those in other public savings banks, namely by 50 %.

b) However, the savings banks were discontinued and the revalorized amounts were paid out. Not until 1926, in connection with the newly created annual bonus, was a savings plan again established,

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which had a special incentive insofar as the annual bonus was paid in cash principally only upon request, but was credited otherwise to the individual savings account of the plant savings bank. Also here the idea of profit sharing was taken into account insofar as the additional interests which the I.G. Farben granted in addition to the normal rate of interest (Sparkassenzinssatz) was higher or lower according to whether the dividend of the I.G. Farben for the previous year was higher or lower.

The savings account credit balances increased, despite the beginning of the depression, from 1926 until 1931 to

an amount of approximately
21 Million RM.

In 1931 the plant savings banks had to be dissolved by virtue of government measures and its credit balances had to be transferred to public savings banks. Therewith the above mentioned addition to the rate of interest was discontinued.

c) In 1940 the idea to promote the savings of the personnel through measures of the I.G. Farben was renewed. (Translators remark: four lines from German original not translated, because one line of the original missing in the context, will be eventually supplied later by defense counsel) therefore no current additional interest was granted,

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but the prospect of getting savings premiums has held out to the depositors, to be paid by the I.G. Farben at the time when the savings accounts were withdrawn and which were to increase, the longer the deposits remained in the savings bank. The progressive development of the war prevented this measure from being fully realized.

5.) Plant Welfare. (Werksfuersorge).

The predecessor works of the I.G. Farben had already employed plant social workers, as executive agencies for their welfare organization, whose duty it was to examine the distressed condition of individual employees and to make suggestions for returning them to normalcy.

In general, the plant social workers had been graduated from social welfare training schools for women and were theoretically and practically well versed in all questions of social welfare, especially those of infant - and tuberculosis welfare. They worked in close connection not only with the social welfare department/ but also with the department/ for medical care; they had consultation hours for the employees and through home calls, were able to become acquainted with the economic and family conditions of the employees. On account of this institution an especially close connection between the plant directorate and the families

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of the employees was established and the possibility given to direct recipients to the proper subsidies granted in individual cases of need in the proper form if necessary as relief in kind (Naturalunterstützungen).

The amounts spent for these subsidies came partly from social foundations set up for this purpose by men in leading positions of the enterprise.

These expenditures amounted on the average to 2 million RM a year. Beyond that, it was the duty of the plant social workers to see to it that the women committed for work in the plants, were employed in suitable occupations; they inspected the places of work and the hygienic institutions for women, set up day nurseries in which the children of the working women could be accommodated during the work-shifts, and served therefore in every way as the liaison agencies between the working women and the plant management. Under the supervision of the plant social workers, domestic science training centers were established in several plants,

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In order to train the future wife of a worker for an efficient and thrifty house keeping, because the wide experiences gained by the department for plant welfare proved that the efficiency of the housewife is of decisive importance for the household of the worker and therefore also for the enthusiasm in the job and the production output of the husband. The activity of the social welfare workers, accomplished quietly and unobtrusively, constitutes one of the most important and effective means for the social welfare of the personnel, inside and outside the plants.

6.) Plant-Old Age Pensions.

Among the various means of plant social welfare, the plant facilities for old age pensions play a most significant role. The employees of the plants consider it as being of special importance, because it relieves, or at least alleviates considerably, for them the anxiety as to their security in old age, in the case of disability, as well as providing support for the families at the death of the breadwinner. It is true that the majority of the employees are insured with the social insurance fund. However the majority of workers and

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employees know only too well that the benefits of the old age, and disability insurance and the provisions for the survivors are very small and not sufficient to relieve the anxiety of the workers and employees.

Some of the old age and disability insurance facilities of the U.S. Urban plants are even older than the German social insurance; the pension funds for the employees were founded in the eighties of the last century because it was considered necessary to establish a pension fund for employees for old age, disability and death, corresponding (Korrespondenz) to the state insurance for workers which was built up at that time. Some old age pension funds were established even 10 or 15 years earlier and are now approximately 70 years old.

The facilities for the pension funds of the predecessor plants for workers and employees were hampered most severely through the inflation of 1921 - 1923.

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As stable currency had been restored in 1924, these plants faced the necessity of being completely reorganized.

In consideration of the fact that a relatively large part of the employees of I.G. had incomes beyond the limits of liability for old age insurance, and such payments were especially moderate, for the employees the reorganization of the employee pension funds was begun immediately after the inflation in a uniform manner for all Farben plants even at that time, and was completed in 1931. The scheme arrived at that time, i.e. dividing the pension funds into a pension fund with absolute legal claim, and a pension reserve fund with legal claim to the qualifying periods acquired in the time before 1931 and limited by the existence of appropriate means, was unique and furnished the example for the reorganization of many similar establishments in Germany. I.G. took over the burdens of the reorganization, although it had suffered severe losses through the outcome of the first World War, having sacrificed - have all, its patents and its foreign markets.

Document B. K. H. SCHNEIDER
Document No.

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These expenses were particularly high because the maintenance for certain low-salaried groups of employees had been radically improved.

In the years since 1924, the members of the four I.G. pension funds have raised RM 97,600,000 as contributions.

I.G. and its predecessor plants collected in all RM 483,900,000 while in interest RM 174,000,000 was received by the pension funds.

On 8 May 1945, the assets of the pension funds amounted to:

RM 619,600,000
of which
RM 268,600,000
fell to the
RM 351,000,000

share of the Pension Fund, while fell to the share of the Pension Reserve Fund.

Of these assets, with the agreement of the Reich Bureau for Control of the Activities of Private Insurance Companies, to which I.G. in this connection was also subordinate, a considerable percentage, i.e. approximately 66%, was invested with I.G. itself is evident, an investment which from a normal point of view must be considered particularly safe, and it yielded 6% interest. Unfortunately,

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it has not yet been possible to unfreeze this account with I.G. from the assets blocked by the Allies, although for the most part these are amounts which must be considered as part of the personal income of the members, especially since the latter had to declare them subject to taxes as such.

The pension provisions for workers were not reorganized in a similar manner for the time being, because the workers pensions had always been provided for exclusively at the expense of the firms. Therefore, there it seemed to be safe to continue to provide for the pensioners (Arbeiterrentner) from current funds. But until 1940 was it decided to create reserves for these expenses as well, and the "I.G.-Gesellschaftliche GmbH." (Firm personnel aid) was created, which on 1 January 1945 showed assets of

RM 114 millions

which was likewise on I.G. account and thus was subject to blocking of the I.G. assets, so that on the one hand since May 1945, workers' pensions could not be paid at all and on the other hand only to a very limited degree.

On the following page we give a survey of the pension payments to workers and employees which were made as of the end of 1942:

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No. of annual amount paid
considers in pensions RM

1.) Pensioners of the Pension	8,160	20,143,994.-
fund		
2.) Plant supplementary pay-		
ments and half-pay to		
employees	941	1,200,000.-
3.) Pensioners to workers	16,262	8,460,000.-
<u>Total</u>	<u>25,363</u>	<u>29,803,994.-</u>

7.) Industrial health insurance.

The most valuable possession of the working man is his health. But the health of the employee is also of particular value to the employer insofar as the work capacity decreases or even ceases as a result of illness. Because of this, for more than 100 years industrial health insurance has played a large part in German industry. Even the predecessor plants of I.G. paid particular attention to this field of industrial relations, especially since in the period when chemical industry was being developed, the influences on the health in these plants were regarded as especially dangerous. Meanwhile, the knowledge and the measures taken in the field

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of industrial hygiene have put the chemical industry on a sound footing, above all its large plants, to such an extent that from the point of view of industrial hygiene, they may be regarded as completely normal.

These results, which were achieved by appropriate provisions for setting up and maintaining the individual output, as well as by a careful, regular preliminary physical examination, during which the X-ray machine was used, are to a very considerable extent also a service of the approximately 30 company physicians working in the I.G. plants. Even at the end of the sixties of the last century there were company physicians in Ludwigshafen and Alberfeld. With the plants grew the dispensaries, each equipped according to the latest modern standard, which not only must provide first aid in case of accidents and illness, but above all must also develop preventative industrial hygienic activities in the plants. At an early date there were convalescent homes for the recovery of those who had fallen ill, and the fact that the Dennenfels tubercular sanatorium of the B&F was set up for its workers by the beginning of the nineties, thus becoming probably the first national sanatorium in the entire world, attests the high degree of participation and the plant management's feeling of responsibility translated into practical effectiveness.

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in this field as well.

During the years, the medical machinery was perfected; the newest discoveries of medical techniques are applied, such as the kymograph and the trigraphic apparatus; equipment for massage and bath treatment, ray treatments of every sort, confinement homes for women, milk dispensaries for infants, convalescent homes for women, children, workers and employees, tubercular sanatoria for men and women, psychotherapeutic consultation and treatment, more recently preventative short sport cures for the purpose of avoiding diseases, these are a few catch-words which permit a judgment of the extent and the intensity of the industrial health care in I.G.

6.) Plant Sick Funds.

The plants from which I.G. originated almost all had their own plant sick funds which can be traced back to the time before health insurance was legalized. In close cooperation with the medical departments of the plants, they succeeded in achieving good results in case of illness with only small contributions from the members. To the sick fund

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money, Farben made graded additional payments which guaranteed the patient an income on the basis of which he could recover his health without worry.

The recent reform plans for social insurance have in part supplanted the plant sick funds, in part the latter have been endangered by individual political proposals for uniform insurance. The personnel of the I.G. plants are not without reason dependant on this arrangement; abolishing the plant sick funds would cause a considerable gap in the plant welfare program, which has become apparent where these funds have meanwhile disappeared.

9.) Industrial housing projects.

a) Plant housing.

When an industrial plant is set up anywhere, the necessity arises for settling all personnel directly and constantly required in its operation in the vicinity of the plant. Thus the I.G. plants in the years of their development have established settlements whose extent was suitable in each case to the industrial requirements of the growing plant.

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These dwellings are set up, maintained and rented by the plant to the essential plant personnel. From this intended purpose arises the necessity that the person who lives in the plant housing project moves out when he leaves the plant. This unavoidable necessity discredits this type of plant housing in the eyes of the employees; on the other hand, plant housing generally costs a disproportionate amount since the rents are generally kept low in consideration of the not always pleasant influence of the proximity of the plant. I.G., therefore, has always limited construction of plant housing to the amount absolutely required by the industry, and has taken other additional measures to promote social housing construction.

b) Community housing construction companies.

In order to combat the great social housing shortage which arose after the first World War, the predecessor plants of I.G. contributed in numerous cases by providing loans to their personnel for constructing their own homes.

After they had been set up again the pension funds as well contributed by loans of this sort to a large extent to the creation of new housing.

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Out of these activities grew the thought of placing the reserves of the pension funds in the service of the social housing construction. Thus, first in Ludwigshafen in 1926, later in other plants, community housing construction companies were founded from the

pension funds which had set themselves the task of procuring suitable but not too expensive apartments for workers and employees of the plants from the point of view of the common good. This type of housing was on the one hand cheaper than the plant housing in construction and administration, on the other hand the community housing construction companies were not forced to have the lease run parallel to the state of service under all circumstances. Nothing stood in the way of the departing employee's remaining in the apartment of the "Gew. G." (community housing construction company) until he was found a new place to live. This type of housing of the "Gew. G." therefore became quickly accepted and was constructed to a large extent not only by the plants already in existence, but also was used to an overwhelming extent in erecting the personnel of the new plants erected between 1939-1945. The funds necessary for this purpose

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were for the most part taken up as mortgage loans by the pension funds and the holders of national social insurance, so that the plants' cost of investment could be relatively low for this.

a) Billets and private homes.

A sociologically particularly effective form of housing for employees is the billet for regular workers, which was installed by the community housing construction companies of the I.G. plants after 1933. These were private homes constructed with a land allotment of 800 to 1000 square meters which became the property of the tenant and remain his property even if he leaves the service of the plant. The worker and his family thereby become settled and he is able to raise a considerable part of his food requirements for himself and his family in addition to his regular work. In doing this he will become settled and to a large extent independent of crises.

c) In these varied ways during the existence of I.G. I.e. in the years 1926 to 1943, the residential area of the plant or required by the plant available to the employees underwent considerable expansion.

Whereas at the end of 1932 the number of housing units owned or subsidized by the company amounted to 17,237
by the end of 1943 this number had risen to 31,745

that means in the course of 11 years an increase of 14,508 housing units had been achieved.

On 31 December 1943 the various plants of the I.G. Farben had at their disposal housing units of the following categories:

housing units owned by the plants	12,654
housing units belonging to I.G. Farben community housing construction companies	6,552
small groups of housing units	4,311
houses owned by individuals subsidized by loans from the company or from pensions funds	3,402
leases with other construction companies	<u>4,826</u>
Total	<u>31,745</u>

The management of the I.G. Farben had drawn up a housing program aiming at the procurement of a housing unit owned or subsidized by the company for every third employee working in their plants.

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10. Catering Establishments.

Due to the size of the various plants it was impossible for many of the plant workers to have their lunch at home. It was therefore soon realized that it was necessary to establish mess halls, which then assumed large proportions in the various plants and were provided with the most modern equipment. The so-called catering establishments in charge of the management of these facilities frequently concerned themselves also with other items in demand. E.g. some I.G. Farben plants had large taverns supplying the plant workers with wine, liquor, cigars, and cigarettes. Then in other plants the catering establishments were enlarged still more, in particular supplying the plant workers of outlying plants with all items needed for daily life through plant cooperatives.

During the war when a large number of the regular workers were called up for military service and consequently German workers from the outside had to be accommodated and fed near the plant

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and when at the same time due to the deterioration of transportation facilities and the longer working hours the number of regular workers and employees getting their food in I.G. Farben plant messes increased, the tasks of the catering establishments multiplied to an extraordinary degree. One of these tasks was to establish the large hutment camps, for the setting up of which the I.G. Farben spent 21,5 million RM for the year 1942 alone and 1943 almost 41 million Reichsmark.

They had to operate the numerous camp kitchens and also to see to it that the camp inmates were taken care of in their off duty hours.

In one of the largest plants, just to quote an instance, in 1943 the number of individual meals prepared daily amounted to approximately 45,000.

11.) Vocational Training.

As to the task mentioned in the introduction of stabilizing work conditions in the plants through the creation of a staff of regular workers and, with a view to an improved production, and employing workers with the best technical training in as congenial an atmosphere as possible,

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the professional and technical part of this task was taken care of by the setting up of suitable vocational training centers. In addition to apprentices workshops for the new generations of skilled workers to a large extent recruited among the children of the plant workers which had been in operation for decades as a matter of course and had been promoted in every respect, training centers for the plant worker in the chemical plants were set up in the larger I.G. Farben plants. In the meantime this worker also had become a skilled worker in a sense, as the work in the chemical plants had developed from simple manual labor into the refined task of operating most elaborate measuring instruments and similar types of apparatus. The young workers were given not only vocational education, but the apprentices and the trainees were taken care of and educated in co-operation with the local vocational schools, also with respect to sports and character building.

12. Selection and Training of the Plant Assistant Manager.

The realization of the fact that the work output, conditioned by the efficiency of the worker and his enthusiasm in his work, is dependent not only upon the professional skill and the technical and hygienic

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conditions of the place of work, but also on human factors, led in recent years of I.G. Farben's existence to the introducing of measures in their plants aiming at the preparation and application of careful methods for the selection and training of the plant managerial personnel for the task of supervising workers in the plant.

Compared to the careful study which German industry devotes to the technical problems, in other words to dead assets, its efforts to find the right way of handling human beings in industry were lagging far behind. So far, professional skill had been sufficient qualification for an appointment to a supervisory position, without considering whether the person concerned possessed or had developed an ability of properly handling the plant workers at their work. The work taken up in this field in some I.G. Farben plants achieved gratifying initial results.

13.1 Plant Employees. Cultural Activities.

The attitude of the worker to the work and to the plant is also influenced by the existence of facilities already acknowledged for decades.

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which, without being forced upon him, offer him the opportunity of enjoying his evenings and, through entertainment, education, and relaxation compensate for his daily work. The possibilities developed in this field are extremely versatile:

a) Plant Newspaper.

Even at the beginning of the century the various predecessor plants of the I.G. Farben published plant newspapers in order to strengthen the community spirit among the employees of the plants, to give them in addition to the possibilities offered by their own place of work an insight into the various stages of production and the industrial tasks of the plant, and moreover to offer them encouragement and information. Besides, the plant newspaper represents also a successful means of advertising the I.G. Farben products within the plants and, furthermore, a way to constant publicity.

The plant newspapers of the various plants were in 1935 combined into a uniform monthly periodical entitled "From Plant to Plant", (Von Werk zu Werk), which finally reached a circulation of 210 000 copies

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containing, in addition to a general section propagandizing understanding of the great scientific, industrial, technical, and social tasks of the I.G. Farben also local sections devoted to local plant activities.

In special editions, appearing at irregular intervals, the development of the various plants was commemorated on the occasion of factory anniversaries or special tasks connected with the works combine, such as setting up of new housing units or recreational activities were summarized in articles.

For foreign workers accommodated in hutment camps special camp newspapers were published in the languages of the various nations.

b) "Products of Our Labor".

Similar purposes were served by the pamphlet "Products of Our Labor", which was distributed up to 1 May 1938 containing 214 pages and numerous artistic illustrations; it was supposed to give the at that time 125 000 plant employees and their families an easily understandable and illustrative picture of the comprehensive and versatile I.G. Farben production program for the consumer.

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c.) Libraries.

Education and entertainment purpose were served by large plant libraries with adjoining reading-rooms, which were utilized by the plant employees to an extraordinary extent.

Libraries were set up also for foreign workers in the hutment camps as far as possible supplied with the literature of the nations concerned.

d) Evenings of Instruction and Entertainment.

In the halls of the recreational buildings in the various plants, evenings of instruction and entertainments of all kinds were regularly arranged; through arrangements offering shorthand and language courses, university extension lectures in all fields of knowledge, as well as theater and vaudeville shows, movies and concerts on all artistic levels, the opportunity was given tens of thousands of the employees of the I.G. Farben plants, to use their free hours almost every evening according to their particular taste and desire. In some factories the halls were equipped with big concert organs. Leading musicians not only from Germany but also from foreign countries appear on the programs of these evenings.

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e) Travels and Recreation.

Donations by leading I.G. Farben officials made it possible for the workers to get acquainted with their German fatherland, but also with other countries through traveling; rest homes for factory employees and their families enabled them to make the best use of their vacations.

f) Sports.

Promotion of sports activities among the employees of the I.G. Farben plants had been carried on intensively for decades. Swimming pools, tennis courts, foot-ball fields, rest houses, and sports halls enabled the plant sports associations to indulge in all kinds of sports activities during off-duty hours. Several Olympic victors came from these associations.

g) Foreign Workers.

In the preceding account it has been pointed out that due to wartime conditions there had been considerable changes in the personnel of the I.G. Farben plants. As much as 30%, on an average, of the regular able workers and employees of the I.G. Farben plants were drafted in the army. At the same time, war conditions put an increased demand upon production.

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As a result of the emergency labor service decree thousands of German workers, at first voluntarily, later on the basis of the emergency labor service decrees which were issued in each of the occupied countries, were also assigned to the I.G. Farben plants by the competent labor allocation authorities. That the German entrepreneurs were loath to lose their trained regular workers, and only very reluctantly employed workers who, Germans as well as foreigners, took over their work more or less involuntarily, is too obvious to require further explanation.

But the German entrepreneurs, and especially the "Betriebsfuehrer" of the I.G. Farben plants felt all the more bound to take care of these workers in particular through providing them with adequate accommodation, with sufficient and adequate food though it had to be simple as required by the conditions. In addition carefully planned recreation activities had to be provided to compensate for their being away from home, to foster contentment with the general living conditions as a prerequisite for successful production work. For they did not see any occasion

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will ^{also} be applied to the new fellow workers. For the very same reasons the leading men of the I.G. Farben opposed such discriminating directives which made it mandatory to treat the workers from the Eastern territories worse than the others. Ignoring those directives, and by submitting the appropriate applications to the competent authorities, they gradually managed that the treatment became more equitable as far as those workers were concerned, and in keeping with the prevalent principles in the plants.

The result of this treatment was a production increase which was far above the average of what was generally known as the productivity of the German and foreign workers, who had been drafted under the emergency service decree. Many of these temporary workers, after a certain time lapse for getting accustomed to the job, reached entirely the full productivity of their German fellow workers. Up to the end of the war, there have been no signs of unrest amongst the workers in the I.G. Farben plants, nor have there been ^{any} acts of sabotage which would have indicated that German and foreign workers were dissatisfied, or were opposing one another.

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The equipment in the camps, which in 1942 demanded an expenditure of approximately 21.5, and in 1943 almost 41 million Reichsmarks, was as good as could be expected under the prevailing conditions. Outment rooms, as a rule, did not accommodate more than 8 persons. Modern washing- and bath rooms, of which there was a sufficient number, were responsible for general cleanliness as the prerequisite for healthy conditions, which were supervised by the camps' own doctors in the camp dispensaries and camp hospitals, where the sick were treated.

The camp kitchens were mostly staffed with cooks picked from those nationals who were billeted in the particular camp, and it was endeavored to cater to their indigenous tastes, as far as this was possible under the rather restricted living conditions. These camp kitchens were equipped in the same manner as the most up-to-date restaurant kitchens; electric appliances of all possible types, tipping frying pans, and other products of modernistic kitchen machinery could be found there.

Camp sick-insurance societies and camp hospitals, camp doctors, camp dentists, and appropriate nursing staff equipped with the best instruments and devices, attained a really satisfactory health standard.

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Special, large organizations arranged the camp inmates' recreational activities; sometimes the camp inmates themselves formed bands, theater and music hall ensembles. Sport equipment, libraries and camp newspapers supplemented these activities.

Then, beginning in 1942, the Eastern workers, partly with their families, moved into the camps the necessary provisions were made for these persons also, such as establishing maternity wards, infants' homes, kindergartens, schools, craft- and play construction rooms, and, finally, halls for recreational activities, which offered ample opportunity for the natural talents of these nationals to manifest themselves.

Initiated by the SS, prisoners from nearby concentration camps were assigned as workers to a few I.G.Farben plants. However, no actual work contract between those workers and the I.G.Farben was concluded; they were, like the employed Wehrmacht prisoners of war, under the jurisdiction of the SS, who also supervised them at their places of work. Whatever could be done by the I.G.Farben plant managers to alleviate these prisoners' lot, was done.

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E) I.G.Farben Expenditures for Social Measures.

The I.G.Farben spent considerable amounts for the above mentioned social measures. Part of this expenditure, such as the costs incurred in vocational training and for equipment to expand places of work, was charged to direct production costs. Social contributions were specified in the following groups:

	Expenditure in	
	1942	1943
	RM	RM
<u>1.) Appropriations.</u>		
Emergency and war relief to families	28.8 Mill.	33.4 Mill.
Long-Service bonus, gift packages to indoctrinated staff, supplementary sick pay (including relief for the families of indoctrinated staff	(23.9 Mill.)	(29.7 Mill.)
<u>2.) Welfare institutions.</u>		
Hospitals, welfare offices, milk dispensaries, nurses' homes, churches and schools, kindergartens, training centers for domestic work, cooking training courses, libraries, plant newspapers, plant cultural activities, travelling, sport activities.	8.35 Mill.	10.8 Mill.

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	Expenditure in	
	1942	1943
3.) <u>Catering Establishments</u>		
Feeding centers, restaurants, recreational homes, department stores, taverns, camp kitchens	10.5 Mill	18.6 Mill.
4.) <u>Housing.</u>		
Plant apartments	6.6 Mill.	9.8 Mill.
Apartments subsidized by the plants	4.6 Mill	4.7 Mill.
Workers' Hostels, dorms	21.5 Mill	41.0 Mill.
Common Sleeping rooms		
5.) <u>Expenditure for Pensions.</u>		
Including supplementary payment from the Pension funds	90.0 Mill.	86.0 Mill.
6.) <u>Annual Bonus payments</u>	21.7 Mill	23.2 Mill
approximate total expenditure	192.8 Mill.	227.7 Mill.
If the social insurance contribu- tions are added to these amounts, setting them at	23.7 Mill	35.5 Mill.
The total amount spent for social measures is approxi- mately	224.7 Mill.	263.2 Mill
or	43.6%	or 47.9%
of wages and salaries, which in 1942/43 amounted to	514 Mill. or	550 Mill.

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Although the absolute amounts for social measures increased considerably during the last years, as a result of the greater number of employed and the measures which became necessary because of the war (building of hutments, family relief payments, gift packages) (in 1935 the voluntary social

measures cost only	55.9 Mill. RM
the legally mandatory dues	16.9 Mill "

i.e. the total amount spent for special appropriations	73.8 Mill. RM)

the actual expenditures, compared to the increased turn-over figures, as well as the personnel expenditures and the amount for the distribution of dividends, remained relatively the same, as can be seen from the following surveys:

Year	Turn-over in Billion RM	Personnel Expenditures	Social expenditures	Dividends
			in % of the turn-over	
1937	1.567	21.8	7.0	3.4
1938	1.647	22.9	7.2	3.3
1939	1.39	21.-	5.3	2.9
1940	2.153	21.7	6.3	2.9
1941	2.54	19.6	6.0	2.6
1942	2.903	17.7	7.7	2.8
1943	3.115	17.4	8.1	2.6

If one considers the item personnel expenditures plus special expenditures as the part of production factor "Labor" in the production yield, and the dividend payments as the part of production factor "Capital",

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the above-drafted survey will show that the former part is ten to twelve times as high as the latter.

It has already been mentioned above that the special measures in the individual I.G.Farben plants were not implemented automatically, but that due consideration was given to the social-political tradition of the workers on one hand, and to local requirements on the other. Therefore, the appropriations for the individual plants were not uniform by any means, as can be seen from the following index:

The following amounts were spent per capita of the staff :

Plant	1936 RM	1937 RM

Total I.G.F. rhen plants	133.80	141.80

Ludwigshafen/Op.	134.10	139.40
Esch	145.70	137.30
Bockst	129.40	119.30
Leverkusen	147.00	162.30
Bitterfeld	123.30	156.10
Wolfe	133.00	176.00
Frankfurt /Gruenaburg (newly built administra- tion and office complex for operational purposes)	442.70	428.80

Duerberg, 4 February 1948

Dr. Albrecht Weiss

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I hereby certify and attest that the above signature by
Herr Dr. Albrecht Weiss, resident at Heidelberg, Volkestrasse
21, has been given before me, Attorney at Law Dr.
Hollmuth Dix.

Heidelberg, 4 February 1948

Signed: Dr. Hollmuth Dix
(Attorney at Law)

A F F I D . V I T

I, George R. S. Schlettstadter, M.D., Berlin-Zehlendorf,
Schlettstadterstrasse 44, having been duly warned that
I make myself liable to punishment if I make a false
affidavit, declare under oath that my statement is true
and was made to be submitted as evidence before the
Military Tribunal VI in the Palace of Justice, Nuremberg,
Germany.

From 1 April 1929 I was company as well as senior physician of the hospitals of the I.G.Farbenindustrie at Belfen. On 31 December 1939 I was pensioned, in July 1940 I was employed as assistant physician with the I.G.Farben at Bitterfeld and was also assisted by Dr. Christian Schmidt in the section of all the I.G.Farben factory sick insurance funds, continued since 1928. In this way I also had an opportunity to attend the regular conferences of the company physicians during which diverse experiences, especially the causes of the increased rate of illnesses during the war, were discussed.

I always considered it particularly fortunate that after giving up my practice in Dossau for political reasons I was able to find employment as company physician with the I.G. Farben-(Farben und Fabrikation) (Dyes and Film Factory), in which I was able to carry on my medical activities freely and uninhibited by material misgivings for the benefit of the people who came under my care. Every wish expressed by me concerning the prevention of accidents and vocational illnesses was fulfilled. In my hospital I was able to study obscure patients' case histories and effect a cure. All the necessary medical apparatus

X-Ray machines, etc. were generously allotted and procured. I never had to consider the cost.

When the number of employees increased in 1937, cases of illness and absenteeism owing to illness per 100 insured persons, increased although not always in the same proportion in the individual factories. It was always my job to study these differences and the increase in illnesses. The company allowance according to a fixed scale which was still in addition to the sick insurance allowance after the 15th day of illness, and which was voluntarily approved by the I.G.Farben in order to make up the loss in wages incurred in cases of prolonged illness, was often discussed. The sick insurance fund authorities informed us that no unfavorable signs as a result of the company allowance with reference to the status of illness were evidenced. However, this and there we did receive reports of observations which showed that sick ^{persons} ~~incapable~~ of working who in addition to their 90% net wages were receiving assistance from the German Labor Front amounting to an average of 1 Reichsmark for each day of illness, and an additional amount of one to two Reichsmarks per day from the Subsidiary Sick Insurance Funds, had no particular interest in resuming their work, since in such cases they not only received their full gross wages but this amount was often surpassed. In the spring of 1940 the wage settlement plan according to a fixed scale was introduced. We could observe a certain increase in the graph curve showing the status of illness, lost days, etc. whereas the discontinuation of the additional German Labor Front compensation as of 1 June 1940 as well as the compensation provided by the Subsidiary Sick Insurance Funds as of 12 March 1941 could not be statistically recorded. These statistics do not separate the foreigners from the

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regular German employees of the plant . . . we were able, however, to establish quite clearly that the foreigners accommodated in the billet camps had a smaller number of illnesses than the regular German employees and those persons of German nationality drafted under the Emergency Service Decree who were also in billet camps. It should be particularly emphasized that foreigners received as a matter of course the same social welfare concessions (fixed -scale company allowances, supplementing the sick pay; extension of the insurance to cover accidents to and from work), just as did the regular employees in the plant. We were of the opinion that only through indiscriminate, good care of every employee, whether foreigner or German, could we establish the will to work on the part of the employees. The war-time feeding, in particular the lack of fats, in the case of all employees had to be regarded as the cause for the steady increase of tuberculosis and skin diseases.

Following my visit of most of the I.G.Farben plants, during which I discussed in detail the causes of the status of illness with the various company physicians, I also informed Dr. Christian Schneider here in Berlin, as well as at Leuna, as to my experiences. Dr. Schneider always showed the closest interest in the individual problems, considered them critically, and then, using this as a basis, came to his conclusions as to the medical care and special social welfare measures to be taken. The fixed -scale allowance paid in addition to the sick insurance allowance, for example, was his own personal idea. Never was there any differentiation made between the foreigners and our regular German employees, and in both Leuna and in Wolfen-Bitterfeld I was able to ascertain for myself the hygienic conditions of the camps as well as the excellent condition of campswere the foreigners were billeted.

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I always carried on conversations with great pleasure with Dr. Schneider regarding my work and the social welfare problems, and as a result of his wide range of knowledge gained through his extensive connections with other plants and the overall German home-front conditions, often benefitted from his suggestions. It often came to our attention that as high as the percentage of illness in the I.G. might have appeared to us, the situation at I.G. Farben compared to the average in the Reich and in other large plants was considerably more favorable. For example, I remember a figure from 1 October 1941 where the percentage of illness at I.G. Farben amounted to 5.77%, whereas other large plants showed a figure of 8-10%. The reason for this could be found in the social welfare work, the careful selection of company physicians, the well-equipped polyclinics, safety engineers and convalescent homes.

I am attaching to my affidavit the "Illness Statistics for the Employees eligible for insurance of the I.G. Farbenindustrie Aktiengesellschaft" for the years 1939 to 1943, which were still in my personal possession.

Berlin-Zehlendorf, 17 October 1947

signed Dr. Rodenacker

(Dr. Rodenacker)

I certify and attest to the above signature of Georg Rodenacker, residing in Berlin-Zehlendorf, Schlattstadtstrasse 44, which is known and which was affixed before me, Dr. Rapprecht Storkebaum, on 17 October 1947 in Berlin.

Berlin, 17 October 1947

signed Dr. Storkebaum

(Dr. Storkebaum)

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A F F I D A V I T

I, Ferdinand B e r t r a m s, Doctor of Political Science, residing in Frankfurt/Main, Jeppelinallee 87 having been duly warned that I make myself liable to punishment if I make a false affidavit, declare on oath that my statement is true and was made to be submitted as evidence before the Military Tribunal in the Palace of Justice in Murnberg, Germany.

1. In 1932, following my employment for eleven years as social welfare Referent in Leverkusen, I took over the direction of the Social Welfare Department in the Administration Building Grunenburg of the I.G. Farben in Frankfurt/Main. In 1933 I became the director of the central social welfare office of the I.G.Farben, which from that period on bore the name of "Office Bertrams".

2. In Document VI-5954 (Vol.68, Pg.133, of the German document books of the prosecution) Ministerialrat L e t s c h states that I allegedly visited him several times in 1942 and 1943 and requested him to obtain Eastern workers for several construction projects of the I.G.Farben. In this respect I must state that as far as I know I never visited Herr Letsch, much less even knew him; in addition, the procurement of Eastern workers for the construction projects of the I.G.Farben was in no way my responsibility.

3. As is shown by Document VI-631 (Vol.68, Pg.73/79 of the German document books of the prosecution) I wrote a letter to Herr Reinhold K r u s e on 10 March 1943, upon which among other things the indictment against Dr. S c h n e i d e r is based. This letter resulted from the fact that Herr Krause, whom I do not know, had directed some general questions to Herr v. Schnitzler regarding the methods in use at that time relevant to labor allocation. Dr.v.Schnitzler sent me this letter for reply. This I answered in my letter of 10 March 1943. In the next to the last paragraph of this letter I used the term, the chemical industry in France and Belgium must

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be "combed through" (ausgesehen) and the skilled labor thus released allocated to the chemical industry. This term "combed through" was in common use at that time in the terminology of the labor allocation authorities to identify the efforts conditioned by the difficult labor conditions in Germany, which meant the mobilizing of all the man-power possible, German or foreign, according to their training and capabilities, and not to allocate them to a place of work for which they were unsuited. In connection with the first sentence of the paragraph mentioned in my letter, which reads: "We can only bring about an increase in output if the quality of the foreign workers is considerably improved," it can be clearly seen that my suggestion was made for the purpose of keeping out unsuitable foreign laborers, in other words to replace them with suitable foreign skilled laborers, which would be in the interests of work output as well as in the interests of foreign man-power. Moreover, this letter was written in 1943 and only reiterates the conditions which had already existed for one or two years. Therefore my statements cannot be adduced as being a fundamentally new suggestion.

4. If Dr. Schneider in his affidavit of 22 April 1947, II-6848 (Vol. 63, P. 98, of the German document books of the prosecution) at 20a (Sub-section 13 on page 106) that foreign children ranging in age from 8 years upwards were employed in the plants of the I.G. Farbenindustrie, and that the official directives received by him from the Office Bertrams were applicable in the employment and wages of the children, then this must be an error on the part of Dr. Schneider. I no longer recall having issued a circular letter to the I.G. Farben plants regarding the employment of foreign children.

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However, if this was the case, which is quite possible, then this circular letter, as in many other cases, would have only contained the legal provisions for this case. These were to the effect that children under 12 years of age could not be allocated for labor. The employment of children between the ages of 12 and 14 years took place only in exceptional cases, and then it was only permitted for suitable light work for a period of 4 hours per day. Insofar as children of this age were employed, this fact had to be reported to the National Industrial Inspection Authorities, who supervised such employment. Based on the many years of my experience, I remember no case in which any acts contrary to the legal provisions in the sphere of Industrial Safety were performed knowingly and intentionally in the plants of the I.G. Farben. Consequently, I cannot imagine that if children under 14 years of age were employed in the I.G. Farben plants at all, that such employment was effected in willful violation of the legal provisions as described above.

Frankfurt/Main, 20 January 1948.

signed Dr. Ferdinand Bartrams.

I certify and attest to the above signature of Dr. Ferdinand Bartrams, residing in Frankfurt/Main, Zepelinstrasse 87, which was affixed before me.
Frankfurt/Main, 20 January 1948

Signed Dr. Walter Buchen
(Assistant Defense Counsel)

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A F F I D A V I T .

I, Charlotte H. G y n e r , Rosenthal/Kassel, House No. 262, having been duly warned that I make myself liable to punishment if I make a false affidavit, declare under oath that my statement is true and was made to be submitted as evidence before the Military Tribunal VI in the Palace of Justice, Nuernberg, Germany.

On 1 June 1941 I was employed with the I.G.Farben in the Launa plant (Ammoniakwerk Muehsburg, G.m.b.H.) as Direction secretary. I remained in this position until 22 June 1945, the day of the compulsory evacuation by the American occupation authorities. I now live in Rosenthal, District Frankenberg/Edor.

On 1 September 1947, with a valid interzonal pass, No. 735, in my possession, a certified photostatic copy of which I attach herewith, I set out for Muehsburg to settle some personal matters. I had declared myself willing to procure material for the defense in the I.G.Farben trial at Nuernberg in the event this opportunity should present itself. This was a matter of course for me since I was a former employee of the I.G.Farben.

On my return trip I was stopped in Leipzig on 14 September 1947 by an alleged German police inspector from Halle, who in spite of my requests showed no credentials, and who then took me to the nearest Police station. There I was stripped and searched and my baggage was checked. Since apparently the material for which they were searching could not be found on me, my notebook was confiscated, in which I, among other things, had entered a few shorthand notes. These notes were of a general and personal nature. Also, a second comprehensive search of my person and effects brought no other material to light. I was then detained for a period of three days at the Leipzig police station and questioned several times, partly by the

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abovementioned police inspector, partly by a Russian woman interpreter. The Russians came to the police station dressed in civilian clothes, and attempted to conceal themselves from me. After these three days, I was driven to Wersburg in a car which bore no police identification, where I was questioned by Russians day and night up to 19 September 1947. They attempted to ascribe political or plant espionage significance to my shorthand notes. They used all the possibilities of physical and psychological compulsion, with the exception of physical injury, in order to induce me to make a "confession". For example, they threatened me, among other things, with material evidence, incarceration, and also threatened to confront me with witnesses who would testify against me. They did not believe that I was on personal business in Wersburg, because the Americans allegedly do not issue international passes for such purposes. I was supposed to name my "employer" and the "actual purpose" of my presence there. My presence was connected with the presence at that time of a man from the Spruchkammer in Frankenberg and with work for the I.G. Farben trial in Nurnberg. They attempted in particular to question me again and again under duress as to my connections with the I.G. Farben defendants and the I.G. Farben trial.

I am attaching a photostatic copy of a certification of my arrest.

On the basis of my arrest and the experiences I had in this connection, I believe I can testify with certainty that extremely sharp measures are taken in the Eastern zone against persons who collect defense or prosecution material for Spruchkammer and the Nurnberg trials, and do not permit them to cross the border once they have apprehended them.

The conduct of the German police towards me was exemplary.
Rosenthal, 17 November 1947

signed Charlotte Heyner
CHARLOTTE HEYNER

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The above recognized signature in her own hand of Charlotte Hevner, residing in Rosenthal, was affixed before me, Dr. Rupprecht Storkbaum, on 17 November 1947, and is herewith certified and attested to.

Rosenthal, 17 November 1947

signed : Dr. Rupprecht Storkbaum
Dr. RUPPRECHT STORKBAUM

ENCLOSURE II

District Police Office Marseburg
- Security Police -

Marseburg, 19 September 1947

CERTIFICATION

Charlotte H a y n e r , born 25 February 1905, was detained during her stay in Marseburg by the office here for the purpose of investigation with the result that she was not able to observe the expiration date of her international pass No. 725, which became invalid on 18 September 1947. Following the conclusion of investigation proceedings today, Charlotte H a y n e r will be released to her home in Rosenthal.

L.S. Police Department	Pol. Commissioner
Marseburg	Signed : signature
	Director of Security Police

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A F F I D V I T .

I, Dr. Ing. Hans P o l s t e r , Leuna, (Mrs. Berseburg)
zu der Gaertnerstr. 6, having been duly warned that I
make myself liable to punishment if I make a false
affidavit declare under oath that my statement is true
and was made in order to be submitted in evidence before
Military Tribunal VI at the Palace of Justice, Nurnberg,
Germany.

I was employed since Easter 1919 in the Leunawerk origi-
nally as Plant Superintendent and Chief Engineer, and
after 1932 as Chief of the Social Department and there-
fore had constant contact with Herr Dr. Schneider in
his capacity as plant Betriebsfuehrer. During this
time I got to know Herr Dr. Schneider as a man who was
not only constantly trying to be just but who continu-
ously concerned himself with the welfare of his workers -
among them the foreigners, who had been assigned to the
plant by the labor allocation authorities. It was also
this sense of justice that caused him repeatedly -
against the desire of the "SDAP" - to take up the defen-
se of Jews and Jewish descendants in such a manner as
to bring about a reprimand on the part of various party
authorities.

With regard to the employment of foreigners at the Leuna-
werk I can testify that Dr. Schneider only accepted such
foreigners into the plant with reluctance since

a) foreigners who do not have a command of the German
language are not suited for the complicated work proces-
ses in our production plants, which require for our
German chemical workers V2 - 1 year of training and for
the skilled chemical worker 1-2 years;

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- b) since no particular zeal to work could be expected from foreigners;
- c) since one had to reckon with espionage and sabotage on the part of the foreigners;

- d) since training does not pay if after one year the worker returns home and is replaced by somebody else who is new to the trade and also must first be trained.

Herr Dr. Schneider therefore tried to obtain a deferment for a relatively large number of younger workers and employees. However, in order to replace those men who in spite of that were still called up by the draft for the Wehrmacht, at first German citizens from more distant parts of Germany, for instance the Rhineland, were assigned to the plant once no more labor could be found in the immediate vicinity of the plant (in the area marked off by the cities of Leipzig, Chemnitz, Querfurt, Eisenach and Halle), and later on a large number of Gypsies from around Vienna. The first foreigners to be hired came as far as I remember from the Sudetenland and/or Czechoslovakia, but the first ones were ethnic Germans, later on they also included ethnic Germans from Slovakia. I cannot say for sure what the sequence was in which the services of laborers or employees from other countries were recruited for the plant or in which sequence prisoners of war were assigned to it, since I myself was in no way connected with the labor allocation of foreigners.

Accommodation of the non-local Germans as well as of foreign workers was handled in one and the same way in company owned or leased camps. This is also evident from the fact that in view of the existing regulations to the effect that all workers from any one nation were to be grouped in one camp, camps experienced a frequent change-over and it often happened that foreigners were moved into camps which previously had housed German citizens, or vice-versa. If for example a new shipment of workers from one particular nation arrived and the camp in which these nationals usually were housed no longer

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offered sufficient room, these nationals had to be moved to a larger camp where perhaps Germans had been housed up to that time while at the same time the Germans were spread out over other camps.

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The foreigners camps therefore were not surrounded by barbed-wire fence either, but only the prisoner of war enclosures of the Stalag and the labor disciplinary training camps of the St. po.

Food in the camps was very good if one disregards exceptional cases which, however, were immediately remedied by appropriate steps against the camp superintendent. In the beginning it was not always easy to cook to the particular taste of every nation. In order to do the utmost in this respect cooks and cook hands of the various nations were detailed to the kitchens as assistant cooks and they took care that the meals were prepared according to native custom.

In principle, food was received the same share of rationed food items as did the Germans. Only in the case of Eastern workers did the ration points differ in the beginning and were partly less in quantity. In this connection the plant lodged energetic protests with the authorities toward an equalization of the ration allowances until they obtained an increase. I can no longer give any specific data since I do not have any pertinent records.

When the DAF attempted to bring our camps under its rule in addition to other social institutions, Dr. Schneider and myself objected quite energetically. To begin with the DAF tried to subject the Camp leaders to their influence. After successfully resisting these attempts for some time, Dr. Schneider finally was put upon by the Gumbmann (Gen. Steward) to such a degree that he reluctantly gave his consent to the appointment of an old-time DAF-Camp leader as Chief Camp Leader for the large Camp Despig.

The experiences that I had with this allegedly "quite specially qualified" man were so bad (nightly drinking parties and women affairs in camp) that we returned him to the DAF. The replacements whom the DAF assigned successively,

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were inevitably worse than their predecessors with the end result that a Chief Camp Leader from among plant personnel was also appointed for the big camp Draspig. However, the DAF succeeded in obtaining the following concessions: Our Camp Leaders had to wear DAF uniforms, they had to participate in Orientation Lectures run by the DAF and they had to be subordinate to the shop steward (Betriebsobmann) as the DAF representative. The plant was forced at the same time to sign an agreement with the DAF concerning these matters.

The DAF also tried to gain command of the messing facilities in the camps. But in this respect it remained unsuccessful in the face of Dr. Schneider's determined resistance.

It was Dr. Schneider's desire to see these camps run in an exemplary manner and to the complete satisfaction of the camp inmates. Knowing, as he did sufficiently, the hollow phraseology of the DAF, to him the unobjectionable management of the camps under DAF personnel did not seem to be guaranteed. On the other hand, Dr. Schneider also took drastic steps when he found out about irregularities on the part of company employees entrusted with the care of the camps. For example, he dismissed in one case 3 of the most important company employees when an investigation disclosed that they had occasionally induced the mess superintendent of the foreigners camp to give them small quantities of rationed food, and he did this despite the fact that the quantities involved were negligible (in one year 6-10 little pieces - 142 - 242 kilograms of butter) and in disregard of the length of employment of these persons who had served with the company for nearly 25 years.

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Pay of the foreign workers, who were employed in the
Ammonia works and in the Construction and Assembly
Plant of the Lurgiwerk depended on their job

- a) in accordance with the chemical wage scale
- b) in accordance with the scale wage scale for
Iron, Steel and Electrical Industries
- c) in accordance with the building wage scale;

in other words in accordance with the same wage scales
on the basis of which the Germans working alongside
of the foreigners on the same job were paid.

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Foreign workers had to pay the same amount of withholding tax as the Germans and also were subject to the social security deductions. In the case of Eastern workers and Poles special tax regulations were in force. In addition to the deductions as per Withholding Tax Group I they had to pay a so-called social security tax of 15% which was computed on the gross income less a personal allowance of RM 39.--

Prisoners of war were paid in accordance with pay scales laid down by the Stalag. The prisoners of war received :

for an 8 hour day only	RM.-.70 per day (incl.)	unless
for the 9th hour in addition	-.20 per hour) they did
for the 10th hour and any		
further hour in addition	-.30 per hour) piece work

In addition small bonus payments of RM . 10 . 15 or 20 per day were made. When however the prisoner did piece work he would be paid 80% of the local wage scale for that particular employment, but then would get no bonus. The prisoner would receive an allowance if he had to perform objectionable and dirty work as well as the plant bonus in the same way as the German plant employees.

The plant officials approached the competent authorities protesting the relatively negligible remuneration of the Eastern workers and the prisoners of war in order to effect an increase.

While these efforts, which were especially supported by Dr. Schneider, were not completely successful, they nevertheless brought about welcome improvements.

The work week was like for foreign workers and Germans. It was changed for both repeatedly during the war.

The foreigners had a right to the same amount of leave as the German plant employees. They were also accorded equal status with them with regard to compassionate leave.

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Originally, married people were entitled to compassionate leave every three months and single persons every 6 months. Later on, the authorities reduced the time allowed by 50% both for Germans and foreigners. Later the Plenipotentiary for the Commitment of manpower again decreed further restrictions after a great number of foreign workers, in breach of their work contract, had not returned from their trips home to their families. Finally all compassionate leaves had to be discontinued in the case of several nationalities on account of military events in the countries of origin.

Also with regard to work and professional clothing the foreign workers in the various plants were treated along the same lines as the Germans. They received blue linen-suits, boiler-suits and felt-suits which they were supposed to wear for the same length of time as the others. In addition the Plant was successful with great effort and under financial sacrifices in obtaining a substantial amount of undergarments and clothing despite the difficult supply situation in the case of spun material, and these articles were distributed among the foreigners, who frequently were very ill-clad.

The plant also devoted a great deal of effort to the recreational^{activities} of the foreigners. As a first step a large company library with books in the French, Italian, Slovakian, Czech, Russian, Ukrainian, Dutch and Flemish languages was painstakingly assembled.

The books were forwarded in collective shipments by the central library to the various camps and there they were distributed as reading matter among the camp inmates. In addition a large number of foreign papers, magazines and weeklies were subscribed to.

Special foreign artists troupes who frequently offered theater, music stage show and vaudeville performances in the various foreigner camps were hired and in addition good sound films and shorts on cultural subjects were shown.

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The request of the foreigners to have people from within the camps perform in musical evenings during their free time was supported by the plant, which procured violins, guitars, lutes and other instruments. The plant also assumed the cost for decorations and costumes which were used when the camps offered their own theater or vaudeville shows. Also sport equipment for soccer, handball and fistball teams, which had also formed, was made available by the plant.

With regard to the costs which the plant incurred for care and accommodation of the foreign workers I can state from memory only - since I do not possess any records - that it cost the plant about RM 1,000.-- to 1,200.-- per capita of the the camp inmates to build the big camps. Regardless of whether they were Germans or foreigners the inmates of camps which were in an unfavorable location with regard to transportation were transported in busses to and from their place of work if this was possible. Since the camps concerned were, as a rule, smaller ones which usually accommodated persons of foreign nation, which was in proportion to the capacity of the camp, there were generally more foreigners than Germans picked up for work and returned to camp by this convenient means of transportation. It was only natural that among the German employees, who frequently had to take the railroad under great hardships, disputes and delays on long trips (often from the same places from which the foreigners were picked up by bus!) a certain jealousy and envy arose which led to verbal complaints with the shop stewards' council and the shop steward. These complaints were especially well-founded in the case of old employees of whom there were quite a great number in the plant. Thus, the plant counted among their employees even in 1938 about 150 persons who had been with the company for 25 years. Workers who had been with the firm for more than 15 years numbered 4113 by the end of 1941 according to the Department for Workers Affairs.

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In addition a great number of office employees may be counted in this category and it would be no exaggeration to estimate their number at 1000.

During the war a brothel was established for the foreigners in Bad Duerrenberg upon the request of the police authority. Even though I had no part in the planning, establishment and management of this brothel, I do remember that the Plant Management was not too greatly interested in this institution and it took some time before this matter actually was tackled. The original plan was that the "Henscher and Bruckebach G.m.b.H. of Berlin was to erect this brothel and take care of its installations, charging the cost to the plant. I have only a slight recollection that in view of the high price which the company demanded, the plant decided to have the Settlement Administration take charge of the construction. Upon its completion the brothel was leased by the plant either to the police or the "Henscher and Bruckebach G.m.b.H." The plant was in no way connected with the management of the brothel.

With regard to utilization of

Prisoners

In the plant I can state the following: As far as I can remember the request to employ E-prisoners in the plant did not originate with a plant representative but was advanced by the Gestapo which was looking for suitable work for its prisoners. Apart from very important psychological considerations which made the employment of such prisoners in the plant appear inexpedient, also the conditions which the Gestapo attached with regard to kind of work and place of work could be complied with only in relatively few places of the Ammonia works; these conditions concerned work in large groups, in closely watched (because of the guarding) comparatively hard physical labor (since the labor probably was to have the effect of a punishment). As, and especially when Dr. Schneider always remained reserved toward those requests by the Gestapo and tried to avoid the establishment of the Company at Spargau and to refer the Gestapo to Halle and vicinity.

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The first place where prisoners were used I can no longer state - the time as I lack all records - was the mine at Ammenorf, and there they had to unload gravel trains that arrived from Russia and which were emptied here. They were accommodated in the small Ohsendorf camp where they were housed in wooden barracks. Later on, the Gestapo demanded from and was granted by the plant part of the camp Spargen for its own use. It offered active resistance to the plan to enlarge this camp from time to time, but could only put the brakes on extent and speed of the expansion. Nor did the Gestapo accept our proposal to add to it a larger well-equipped camp (Camp Leuchtstern) and/or to slightly enlarge it at plant expense if by this action the E-prisoners could be evacuated from the Spargen camp. Not until after the Spargen camp had been destroyed in an air raid did the Gestapo give it up and have a new camp built to its own specifications by the OT (Organisation Todt) in Zoschen.

The plant had nothing to do with accommodation, food or payment of the E-prisoners. The Gestapo retained the complete direction of the camp. Only as far as construction work was concerned did we have to take care of repair work, changes, etc. in the camp.

As far as I recollect concentration camp prisoners were not employed in the plant. Works Jersburg either before or during the war.

Loun 25 September 1947 sigd. Dr. Ing. H. H. Polster

I herewith certify the above signature of Herr Dr. Ing. Hans Polster, Loun Krs, Jersburg on Her G-ethnerd 6 which was affixed in his own hand.

Loun 8 November 1947 sigd. Dr. Heinz Reintges
(Dr. Heinz Reintges)
Attorney-at-Law

Dipl. Ing. Dr. Erich LANTSMANN

EFFID. VIT.

I, Dipl.-Ing. Dr. Erich LANTSMANN, born on 14 June 1906, residing at Leuna (Merseburg district), Sachsenstr. 3, have been duly warned that I make myself liable to punishment if I make a false affidavit.

I declare under oath that my statement is true and was made in order to be submitted as evidence before the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

I have been working in the Merseburg chemical works, the Leuna Werke, since 1 March 1934. From 1934 to 1938 I worked as plant engineer, from 1 October 1938 as chief of the employees department of the personnel department, later as acting chief of the personnel department. As such I was in a position to become well acquainted with many things, among them also with the welfare of prisoners especially of foreign employees.

Subject: Allocation of foreign labor in the Leuna-Werke.

1. Questions of labor allocation.

Statements concerning the the number of personnel drafted into the Wehrmacht can no longer be made since there are no longer any relevant documents or they are not available. As far as I can remember, at all times about 3000 to 5000 members of the plant personnel were serving in the Wehrmacht.

The manpower deficit documents, likewise, no longer existing or no longer available - exactly

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varied due to labor turn-over, draftings, losses due to death, pensioning etc., opening up new plants, failure of persons on leave to return, etc. amounted on the average to 1000 to 1200 persons per month, in individual months up to about 3000 persons. Registration forms no longer exist. The form included the status of manpower during the previous month, and on the fixed date the status of workers for engineering, and construction work, and factory maintenance work and the demand for them, all specified according to professions.

I can make the statement that Dr. SCHNEIDER - like all of us participating in labor allocation - constantly resisted the allocation of foreign labor. In most cases he was, however, forced to yield, when more mass draftings into the Wehrmacht were anticipated or new plants had to be put in operation at fixed dates and the labor allocation authorities could place no other manpower at the disposal of the plants. We tried time and again to keep the quota of drafted personnel as low as possible since we lost more and more regular personnel. The negotiations required for this - nearly all of them were carried on by me by order of Dr. SCHNEIDER with the recruiting district headquarters, recruiting replacement district headquarters, corps general staff of the IV army corps and even OKW, AHA in agreement with the Plenipotentiary General for Chemistry - belonged to the most difficult and disagreeable ones that had to be carried on. For weeks inspection commissions of the Wehrmacht, Party, Reich Ministry for Labor, etc. stayed in the plants and checked the places of work, the allocation of foreign labor, the allocation of women, prisoners-of-war and the like. We often had to defend ourselves against attacks reproaching us for retaining persons under the "indispensability" status.

In this connection even a Gestapo action was brought against the plant management in May 1943, in which especially the

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undersigned also was implicated. At the beginning of May 1943 the plant management was informed by the Plenipotentiary General for Chemistry that a complaint by the SS and the Gestapo had been submitted via HITLER's chancellery in which roughly 100 employees of the Leuna plant were accused of undermining the Wehrmacht morale and of Wehrmacht sabotage and it was demanded that they be sentenced by the Gestapo. The indictment which was forwarded to us comprised about 23 type-written pages. Among the defendants the official in charge of Wehrmacht matters was listed as W.L. Beim, the official in charge of Wehrmacht matters at that time. I had then to carry on the negotiations together with Dr. SCHNEIDER and the ship steward (Petrischewski). The negotiations were partly carried on in Halle a/S., partly in Leuna. The negotiations were carried on by General von UEBER by special order of HITLER. He was assisted by a high officer of the Waffen-SS, as far as I know it was the leader of the administrative district Elbe who was competent for our district. In addition, the then Gau leader EGELING together with the Gauleiter of the German Labor Front as well as a number of high Wehrmacht and SS officers attended the negotiations. After the trial had been signed by General v. UEBER, the General of the Waffen-SS addressed the so present and said his statements saying about as follows: "It is high time that this matter is being investigated and that somebody pay for it with his head."

Dr. SCHNEIDER tried to ward off the attacks which had been raised by the Gestapo by mentioning the difficulties in labor allocation, especially the lack of suitable replacements which necessitated the retaining of the persons under the "indispensability" status. This was followed by an inspection of the plant, and it was finally

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Commanded that the official of the plant in charge of
Vehra ent matters, in this case it was the undersigned,
be recalled from his post as deputy chief of personnel.

As was ascertained by me later, the SD and Gestapo
had established a plant Gestapo organization which main-
tained a tight net of agents among the plant personnel
and received information concerning the smallest and
most insignificant happening in the plant. The chief of
this organization was an employee who himself never
was a member of the Party. Soon after the US troops had
marched in, the same man took up connections with US
offices. Not until Dr. SCHNEIDER had reported his in-
sidious activity, was he arrested by the CIC and thus
put out of the way.

2. Recruiting and transportation.

I cannot give a description of the recruiting of
workers in foreign countries, since, as far as I remem-
ber, with the exception of a very short period in 1938
or 1939 in Slovakia, in principle the recruiting offices
of the Reich Ministry for Labor alone were permitted
to recruit workers. Not even our employees assigned to
the Plant, tentatively General for Chemistry had any in-
fluence in these offices. As soon as the numbers of the
requisitioned workers approved of by the Reich Ministry
for Labor were received by the recruiting offices con-
cerned, our employees were permitted to register the
names, etc. of the foreign workers to be employed and
to assist the persons assigned with their transportation.
Independent recruiting was, therefore, completely im-
possible in foreign countries.

Something different was the procedure of employing
office workers.

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It took place for the first time as a result of the letter from a large Belgian firm which due to shortage of work no longer could employ its office workers and the German custodian of which in agreement with the Belgian Direktion had turned to I.G. Farben requesting it for the duration of the war to take over part of these employees who had volunteered. The undersigned himself carried on the negotiations with this firm; since the salaries, separation allowances, etc. offered by us were essentially above the Belgian pay level, the negotiations were very favorable, so that 35 of these employees left for Leuna, part of them together with their wives, only a few weeks after their place of accommodation had been completed - a hotel in Halle a/Saale, which for this purpose was equipped with new bed-rooms and living-room equipment. Most of these employees stayed on in Leuna together with their wives until after the end of the war. The news of the employment of these employees had spread very quickly especially in Germany, so that there were thousands of applicants, and a number of additional Belgian firms wished to conclude such contracts. The reasons for this intense rush apparently were:

1. the extensive unemployment among the employees of this large sector since the entire port activities had come to a standstill. In view of the great spiral in prices there was partly considerable want among these employees;
2. the enthusiastic reports from those who had left for Leuna as to comparatively high salaries, the very good accommodation and food represented a great incentive.
3. the granting of leave after about every fourth month,

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which the employees every time used for traveling home whereby they were permitted to take along for the members of their families considerable amounts of food-stuffs which were unobtainable in Belgium - in particular cereal products, potatoes, etc.

Since other I.G. Farben firms also had heard of these employments, I ordered one of our officials of the Labor personnel Department to interview for a fixed period of time who was to select persons from among these applicants who were suitable with regard to their business qualifications. Since, however, the Reich Government increased its orders with the coal and iron industry, this unemployment soon decreased. However, we rejected the drafts to labor service which the Reich Ministry for Labor wished to effect. I think at that we still adhered to the principle of only employing persons who applied voluntarily and of their own accord since only then a positive and genuine work could be expected. This principle has constantly been adhered to.

When later in 1941 the entire age groups were drafted to compulsory service, then also employees were to come to Germany as workers, so succeeding in crossing the Military Government in Russia to rescind this order and employees who were employed by us were not affected by this regulation. It need not especially be mentioned that those who were selected from among these age groups were especially happy to join I.G. Farben instead of being employed as workers and accommodated in camps.

The Reich Ministry for Labor often tried to stop us from hiring employees and attempted this through their own officials.

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Our consideration for the relation of confidence which the employee enjoys with us in Germany induced us, however, over and over again to adhere to the principle of only hiring such employees whom we had personally interviewed. The same methods were applied with the employment of clerks and technical employees in Yugoslavia and Bulgaria.

As far as I know, a total of about 500 employees were hired for I.G. Farben.

As far as I remember members of the Protestant church had been especially persecuted by the Ustascha in Croatia, a large number of them had been confined in camps and treated cruelly. Some one of our officials, who had been assigned to the office of the Plenipotentiary General for Chemistry there, secured it, as far as I know, succeeded in inducing the Croatian Government to permit the German officials to visit these camps and released a large number of those persons for labor allocation in Germany. In this way very many of those persecuted persons were kept from certain death and had experiences with these workers in labor since they were reliable and industrious.

It often happened that the local administration was not informed in time of workers transports. This usually caused great trouble since the official regulations demanded that every nationality be accompanied separately and this necessitated quite a few reconsiderations.

As far as I remember, transports were never accompanied by the industrial police (Werkschutz); surely there has never been given a corresponding directive. It may, however, surely be possible that the

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transports were collected by com. leaders who had to wear uniform (of the German Labor Front) (According to German Labor Front Directive). These have surely been mixed up with the industrial police.

22.

I do not possess any testimonials concerning the treatment of the camp inmates. However, Herr LEHMAN could perhaps give some information about it. I myself possess certificates from Belgian, French, Yugoslav and Bulgarian foreign workers which, however, refer to my own person, at the time when the foreigners left town if they were sent to go without any solicitation on my part. I want to make a special point of this fact and there are witnesses who can confirm this. Although they refer to my person yet they at least prove that these foreigners definitely were not dissatisfied with the treatment in the Buna plant. They have been attached to this statement. I do not know the addresses of the foreigners (Belgians and Frenchmen) since I for certain reasons do not maintain any correspondence with foreigners; Dipl. Eng. V. GUTSCHEFF is a Yugoslav national and, as far as I know, resides in the US zone.

An example may perhaps serve as additional proof of how well foreigners felt in our camp. Without having been requested, one day the Office of Social Employment Office sent about 30 Dutch employees to me requesting that we should employ them since the employment office could not provide positions for them anywhere else and would have had to allocate them as workers. Although it was not easy for us either to find work for so many foreign employees within a short time

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(linguistic difficulties, espionage, etc.), still we emerged there. In view of the housing shortage prevailing in our district already at that time it was however completely out of the question to procure so many separate rooms within a short time - employees were permitted to live in private quarters. Thus there was no other way than accommodating them temporarily in a camp (Dessig) until the required rooms could be made available. They agreed. Then, however, after about 6 weeks rooms were placed at their disposal, they all refused since the food came to feel thoroughly at home and the food was so good that they would hardly have been so well off if living in private quarters. Even when after roughly 18 months the invitation was repeated - since the rooms of the camp were at that time badly needed for workers - they begged me to be permitted to stay in the Dessig camp which application I supported and managed to have approved.

11.

As far as I know concentration camp inmates were never employed in Leuna. At any rate not in the years 1942 to 1945 since I resisted it with all my might. The following may serve as illustration:

After the first air-raids the plant needed an exceedingly high number of workers for repair and reconstruction work. HITLER's special commissioner for the rebuilding of the fuel plants, Generaldirektor GILLENBERG, however, never succeeded in receiving the required workers in spite of his pressure on the Reichsstatentlary General for Labor Allocation. As a consequence, he very soon demanded that we should employ concentration camp inmates since they were the only manpower still available.

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Dr. SCHNEIDER as well as those participating in the labor allocation refused on principle to employ concentration camp inmates, after we had already found out about the treatment of inmates by the Gestapo. GILBERTERG exercised great pressure on Dr. SCHNEIDER, his labor allocation commissioners did the same with us. However, we were successful at all times in opposing this, and even when I was informed one day that we were to receive about 1000 Hungarian Jews as workers I refused this after discussing it with Dr. SCHNEIDER, since we had been informed that they were to be treated like concentration camp inmates. Even in the autumn of 1944, when one morning about 1000 Germans of all classes and ages who had Jewish relatives were sent to the gates of the plant, we categorically refused to employ them after we had learned that they should be treated in a similar way as E-inmates.

- - - - -

Leuna (Merseburg district), 26 August 1947
Sachsenstr. 3

(signed) Dr. Erich LADENBURG

Above signature of Herr Dipl.-Ing. Dr. Erich LADENBURG, Leuna (Merseburg district) Sachsenstr. 3, acknowledged to be in his own handwriting, was given here before me Friedrich SILBER, lawyer, Berlin-Zehlendorf, Hermannstrasse 2, and is hereby certified and witnessed by me.

Leuna, 26 August 1947

(signed) Friedrich SILBER
Lawyer.

Beschrift

Notarient.

Herewith we certify that Dr. L. LEBLANC in his position as personal chief of the Leuna works, always treated us fairly and with the most possible consideration. Even when we had to suffer under the Nazi regime and his method as he was the man that did his best to help us as much as he could. We know that he saved several of us from being condemned and put into a concentration camp by the Nazis. This means in reality he saved our life.

Avec ceci nous certifions que le Dr. L. LEBLANC, en sa qualité de chef de personnel des usines de Leuna, nous a traité toujours de bonne manière et avec la plus grande considération. Chaque fois quand nous avons souffert sous le régime des Nazis et leurs méthodes, c'était lui qui nous a soutenu et défendu de toute force. Nous savons qu'il a sauvé plusieurs de nos compatriotes d'être condamnés et transportés vers les camps de concentration. En réalité cela signifie qu'il nous a sauvé la vie.

Hiermede getuigen wij dat Dr. L. LEBLANC, in zijn hoedanigheid personeelschef der Leuna werken ons steeds goed en met rechtvaardig begrip heeft behandeld. Telkens als wij onder het naziregime en zijne methoden te lijden hadden, hij het was die ons ondersteund en verdedigd heeft zoveel het in zijn macht lag. Wij weten dat hij velen van onze landgenoten ten bewaren heeft voor een veroordeling en concentratiekamp. In werkelijkheid betekent dit dat hij velen van ons het leven heeft gered.

Hiermit bescheinigen wir, dass der Dr. L. LEBLANC in seiner Stellung als Personalschef der Leunawerke uns immer anständig und rechtensvoll behandelt hat. Immer wenn wir unter dem Naziregime und dessen Methoden zu leiden hatten, war er es, der stetig fuer uns eingetre-

(page 2 of original)

ten ist und geschützt hat, wo er nur konnte. Wir wissen, dass er verschiedene unserer Landsleute vor einer Verurteilung und dem T. behütet hat. Dieses bedeutet in Grunde, dass er diesen das Leben gerettet hat.

May, the 17th 1945

The delegate of the french
D.F. et the Leuna works
Le délégué des français des
usines de Leuna

Der Bevollmächtigte der fran-
schen in de Leuna werken

Der Vertreter der fran-
zösischen Dienstver-
pflichteten in den Leuna-
Werken

The delegate of the belgian
D.F. et the Leuna works
Le délégué des belges des
usines de Leuna

Der Bevollmächtigte der belgen
in de Leuna werken

Der Vertreter der belgischen
Dienstverpflichteten in den
Leuna-Werken

(Unterschriften unleserlich)

Official

Allied Expeditionary Force
Military Government

approved: Maj. MARTIN

Displaced Persons Office

Ich beglaubige und bezeuge hiermit die Überein-
stimmung vorstehender Abschrift mit der mir vorgelegten
Urschrift.

(Maj.) Friedrich SILBER

Rechtsanwalt

Assistant defense coun-
sel

Leuna, den 26. August 1947

Copy.

Dipl. Ing. Jerebajev Anton Leuna, 15 July 1947
Dipl. Ing. Rodskrebilin Vasily

Certificate.

We were recruited from Yugoslavia for work in the Leuna Works during the war, in 1942, by Herr Dr. Erich LUTSILIN and herewith certify that Herr Dr. Erich LUTSILIN, Leuna, in his position as Acting Chief of Personnel of the Leuna Works, always treated us considerately and decently. He always saw to our personal well-being, and - insofar as this was possible - also to that of our families, always interceded for us and our compatriots of our acquaintances, and also protected us from the Nazi regime and its methods, insofar as it was in his power, to do so. He would, therefore, like to state that he always endeavored to make work and life in Germany as easy and bearable for us foreign employees and workers as it was in his power to do so.

(signed) Jerebajev Anton

(signed) Dipl. Ing. Rodskrebilin Vasily

I herewith certify and attest that the above copy agrees with the original document submitted to me.

Leuna, 26 August 1947

(signed) Friedrich SILOBER
Attorney-at-law
Assistant Defense Counsel

Copy.

Dipl. Ing. Wassil GENTSCHEFF
Bad-Duerrenberg (Saxe)
Tannenbergsstr. 2

Bad Duerrenberg, 15 May 1945

Herr Dr. Dipl. Ing. Erich LINDSIELOW

Leuna

Erfolzstrasse 4.

Dear Herr Dr. LINDSIELOW:

In consideration of the departure or return home of all foreigners who were employed in the Leuna works as prisoners, civilian internees or as civilian workers, I regard it as my duty to thank you in the name of the Bulgarian and Yugoslavian workers for your kindest efforts. I would like herewith to state that you always tried to make work and life in Germany as easy and bearable for the foreign workers as it was within your power to do.

You always tried to remedy the abuses which arise from or were caused by members of the National Socialist Party, and, as far as the Bulgarian and Yugoslavian workers are concerned, successfully remedied them, so that the workers mentioned are returning to their homes with a feeling of deep friendship and gratitude to you personally.

This gave me the occasion of conveying the above-mentioned gratitude to you and of assuring you that you may count on these Yugoslavian and Bulgarian workers at any time.

Respectfully yours and with friendly greetings,

(signed) Wassil GENTSCHEFF

I herewith certify and attest that the above copy agrees with the original document submitted to me.

Leuna, 26 August 1947 (signed) Friedrich SIECHER

Attorney-at-law

Assistant Defense Counsel

Hermann SCHLOSSER

AFFIDAVIT.

From my activities in the Economic Group Chemical Industry and its management, I know that there were points of serious opposition of a fundamental nature between Director Dr. Christian SCHWEIDER and the D.F. From this arose considerable tension, e.g. in the question of the duration of the apprentice period of the chemical worker. I remember these things among others from conversations with Herr Dr. KOBEL, who for a time directed the Technical Group Chemistry in the D.F. and later belonged to the Presidency of the Economic Group Chemical Industry in his capacity as Director of a chemical-pharmaceutical firm, and there headed the Committee for Sociology as successor to Dr. Christian SCHWEIDER.

I, Hermann SCHLOSSER, born 8 October 1889, at present residing in Hof Eich bei Gelnhausen, have been duly warned that I make myself liable to punishment if I make a false affidavit. I declare under oath that my testimony is true and was made in order to be submitted as evidence to the Military Tribunal for Case No. 6 in the Palace of Justice, Nuremberg, Germany.

Frankfurt am Main, 23 September 1947

(signed) Hermann SCHLOSSER

No. 43 of the Document Register for 1948

The above signature of Herr Hermann SCHLOSSER, who resides in Hof Eich bei Gelnhausen, at present staying in Frankfurt am Main, is hereby officially certified.

Frankfurt am Main, 2 February 1948

Notary Public (signed) H. B RZ

Notary public

Expenses:

Value undetermined

Fee Per. 9 RM. RM 2.--

3% Turnover Tax RM 0,06

RM 2.06 (Signed) H. B RZ

Notary Public

AFFIDAVIT.

I, Ministerial Director Dr. Wilhelm REUSS in Wiesbaden, am aware that I make myself liable to punishment if I make a false affidavit. I declare under oath that my statement is true and is made in order to be submitted as evidence to the Military Tribunal in Nuremberg, Germany.

Until the end of the war, I was acting director of the Sociological Department of the Reich Group Industry and in this capacity had to work in all the fundamental fields of sociology, on the one hand with the official offices, on the other hand with the industrial organizations and plants. Several committees were available to our department for consultation, which were staffed with leading representatives of industry, in particular with the experts on the sociological matters of the large German firms. On the occasion of meetings of that sort and of other conferences, I became acquainted with Herr Dr. SCHNEIDER and also his two colleagues, Herr Dr. REUTEMANN and Herr Dr. EISE from the Ludwigshafen plant and discussed numerous rather important sociological questions with these men,

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Some of whom were also chairmen of various of the committees named above. Further, in the occasion of visits to the Ludwigshafen plant, I inspected the sociological set-up of this plant. From this as well as from the occasional reading of sociological publications of I.G. Farben, I personally gained the impression that of the large plants in Germany, I.G. Farben had the most progressive leadership in the field of sociology. I knew that occasionally, owing to I.G. Farben's pro-labor social policy, differences of opinion arose between the representatives of I.G. Farben and representatives of other industries in the committee meetings of the Reich Group Industry. On these occasions I.G. Farben was accused of meeting labor's demands more than half-way with their measures, and thereby with jeopardizing the interests of the other industries. I.G. Farben's sociological leaning and progressiveness, above all in the field of industrial old-age, housing and health benefits, was generally recognized and served as the model. This concept was particularly advocated by the workers in the sociological department of the Reich Group Industry.

There was particularly close cooperation between Herr Dr. WEISS and myself in the field of industrial old-age benefits and industrial health matters. He was considered

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Document No. 279

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one of the most progressive and open-minded industrialists.

As regards my personal life, I can state that I was never a member of the NSDAP, and according to the certificate of the public prosecutor at the District Court in Wiesbaden of 14 November 1946, I am not affected by the Law for the Liberation from National Socialism and Militarism.

(signed) Dr. REUSS
Ministerial Director.

The correctness of the above signature of Ministerial Director Dr. REUSS is certified.

Wiesbaden, 2 February 1948

Hessian State Ministry

The Minister

(seal) For the Security and Transportation

(signed) Dr. ENGELHARDT

(Dr. ENGELHARDT)

The verbatim and true copy of the above document is hereby certified.

Nuernberg, 9 February 1948 (signed) Dr. Robert DIX
Defense Counsel

AFFIDAVIT.

I, Vassily GEMTSCHO, Darmstadt, Fiedlerweg No. 1, have been duly warned that I make myself liable to punishment if I make a false affidavit. I declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice Hamburg, (Germany).

From October 1942 until the capitulation in 1945, and then further until 20 November 1946, I was in Leuna, in various positions at the Mercedes-Benz plant and later at the A.I.B. Leuna (Construction and Engineers Office). Through the influence of the German Wehrmacht and the conditions in Bulgaria at that time, I was forced as a Yugoslavian to come to Germany. The same fate was shared by a great many of my fellow compatriots. I was ordered to Leuna and was first of all installed in a subordinate post in the Construction Office in the Leuna Works. In Leuna at that time there were over 1,000 Bulgarian, Yugoslavian and Greek civilian workers. Each of the ethnic groups employed in Leuna had to have a confidential advisor.

(page 2 of original)

for the protection of their rights, and thus at the beginning of 1943, because I could speak German, I was installed as confidential adviser of the Belken Group. Who made this appointment, I don't know; I was informed of my appointment by the plant directorate. As confidential adviser, my duties were to care for the people, to check accommodations and food, to receive their complaints and forward them to the plant directorate. I always conducted spot checks with regard to the care and accommodation of my compatriots.

The complaints which came in were directed mainly at the fact that the Germans could not meet the obligations they had assumed. In this connection it was a matter for the most part of postponement or non-continuation of leave previously agreed upon or of compulsory employment after the expiration of the contract. The difficulties described arose from the influence of the Reich agencies (Wehrmacht, Gestapo, Party affiliated organizations, DAF, etc.) which brought pressure to bear without considering the plant leader and his human and just attitude. Above all, since I happened to be on good terms with Dr. L. MEHLER, the acting Chief of Personnel, I succeeded in many cases in putting through the complaints. In this connection I determined that Dr. SCHNEIDER, whom, by the way, I do not know apart from this,

(page 3 of original)

C
certainly wanted the best but was powerless in the face of the influence exerted and the interference of the Reich agencies described above. I knew that various measures for the treatment of the foreigners in Leuna were taken by the abovementioned Reich agencies against the will of Mr. SCHNEIDER, but I cannot describe the events more closely connected with this because I do not have the detailed knowledge. One of these events is the introduction of the "B-Camp". I had great difficulty in protecting various of my countrymen from being put into this "B-Camp". In many cases my efforts were successful only because in Herr SCHNEIDER and Herr LUTHELMAN I found the most complete understanding and willingness to meet me half-way.

C
Social conditions in Leuna were conditioned by the war while I was there, but in spite of this they could be called good. Accommodations (dormitory camps) were good and even better than in other plants which I knew. The rooms were usually occupied by 8 to 10 men, there were day rooms and dining rooms. Provision was made for taking the workers to work, and in this connection the plant directorate had gone to great trouble to provide numerous buses. Hygienic and sanitary conditions were good; every worker had the opportunity of thorough bathing (shower baths). The food was of worthwhile quality and was

(Page 4 of original)

delivered by the plant as so-called plant food. The plant director went to great lengths in this connection to satisfy the people in this respect. Medical care was likewise good, equal to the well-regarded dispensary. In the matters described herein, no differentiation was made between German and foreign employees.

Darmstadt, 31 January 1948
(signed) Vassily GENTCHO
(Vassily GENTCHO)

- - - -

The above signature of 1st Lt. Vassily GENTCHO, residing in Darmstadt, Fiedlerweg No. 1, affixed in his own handwriting and recognized by me, was made before me, Assistant Defense Counsel Dr. Konrad STUCKELMUELLER on 31 January 1948 in Darmstadt, and is hereby certified and attested to by me.

Darmstadt, 31 January 1948
(signed) Dr. Konrad STUCKELMUELLER
(Dr. Konrad STUCKELMUELLER)

DOCUMENT BOOK 9 SCHNEIDER

CERTIFICATE OF TRANSLATION

13 February 1948

We, Leslie H. Lawton, Ludwig Heymann, Vera Solander,
Robert E. Clark, William Zirkl, Elizabeth A. Johnson,
and Thyra Thyssen, hereby certify that we are duly
appointed translators for the German and English
languages and that the above is a true and correct
translation of the DOCUMENT BOOK 9, SCHNEIDER.

Leslie H. Lawton
B-397990

Ludwig Heymann
25046

Vera Solander
20091

Robert E. Clark
B-397939

William Zirkl
B-397925

Elizabeth A. Johnson
B-397941

Thyra Thyssen
00638

MICROCOPY

892

ROLL

92

END

